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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF INDIANA

DURING THE

FORTY-SIXTH REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 7, 1869.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

The Forty-Sixth Regular Session of the General Assembly, of the State of Indiana, began and held at the Capitol, in the City of Indianapolis, on Thursday, the 7th day of January, A. D. 1868, at 10 o'clock A. M., being the day fixed by law for the meeting of the same.

The House of Representatives being called to order by Cyrus T. Nixon, Principal Clerk of the last House of Representatives, the following members appeared, produced their credentials and were sworn into office by Robert C. Gregory, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

From the county of Posey—M. T. Carnahan.

From the county of Vanderburg—Leroy Calvert and J. T. Welborn.

From the county of Warrick—B. L. Fuller.

From the county of Gibson—Austin Hutson.

From the county of Pike—Robert Logan.

From the county of Knox—James D. Williams.

From the county of Daviess—John Hyatt.

From the counties of Dubois and Martin—Leroy Cave.

From the county of Spencer—R. F. Kercheval.

From the county of Perry—J. C. Shoemaker.

From the counties of Crawford and Orange—John L. Bates.

From the county of Washington—John C. Lawler.

From the county of Harrison—Peter H. Zenor.

From the county of Floyd—James A. Ghormley.

From the county of Clark—Charles R. McBride.

From the county of Jefferson—William Monroe.

From the counties of Jefferson, Scott and Clark—W. D. Hutchings.

From the counties of Jefferson and Ripley—W. D. Wilson.

From the counties of Switzerland and Ohio—S. H. Stewart.

From the county of Dearborn—Warren Tebbs, Jr.

(From the county of Ripley—Thomas W. Sunman.)

From the county of Franklin—C. R. Cory.

From the county of Rush—Samuel Green.

From the county of Decatur—O. P. Gilham.

From the counties of Rush and Decatur—D. M. Stewart.

From the county of Jennings—John Overmyer.

From the county of Bartholomew—S. J. Barritt.

From the counties of Bartholomew and Shelby—James M. Sleeth.

From the counties of Brown and Jackson—Daniel H. Long.

From the county of Monroe—George A. Buskirk.

From the county of Lawrence—Moses F. Dunn.

From the county of Greene—Thomas Mason.

From the county of Sullivan—N. D. Miles.

From the county of Vigo—E. Hamilton and I. N. Pierce.

From the county of Clay—J. C. McGregor.

From the county of Owen—Wiley E. Dittamore.

From the county of Putnam—Willis G. Neff.

From the county of Hendricks—Allen Furnas.

From the counties of Putnam and Hendricks—Milton A. Osborn.

From the county of Morgan—James V. Mitchell.

From the county of Johnson—Duncan Montgomery.

From the counties of Morgan and Johnson—W. R. Admire.

From the county of Marion—F. Beeler, A. P. Stanton, James H. Ruddle and T. J. Vater.

From the county of Hancock—John Addison.

From the county of Shelby—Isaac Odell.

From the county of Henry—John R. Milliken.

From the counties of Fayette and Union—B. F. Williams.

From the county of Wayne—William C. Bowen and John I. Underwood.

From the county of Randolph—J. T. Vardeman.

From the county of Delaware—S. V. Jump.

From the county of Madison—J. F. Mock.

From the counties of Madison and Henry—G. F. Chittenden.

From the county of Hamilton—Isaac Williams.

From the counties of Hamilton and Tipton—R. Stevenson.

From the county of Clinton—T. H. Palmer.

From the county of Carroll—Reuben Fairchild.

From the county of Boone—A. E. Gordon.

From the counties of Boone and Clinton—John Higgins.

From the county of Montgomery—James G. Johnson.

From the county of Parke—James F. Johnson.

From the county of Vermillion—William Skidmore.

From the county of Fountain—D. W. Cunningham.

From the county of Warren—Colbrath Hall.

From the county of Tippecanoe—Reuben Baker and Robert Breckinridge.

From the counties of Benton and White—J. Lamborn.

From the county of Cass—S. L. McFadin.

From the county of Howard—J. A. Wildman.

From the county of Miami—Jonathan D. Cox.

From the county of Wabash—A. W. Smith.

From the counties of Miami and Wabash—Robert Miller.

From the county of Grant—John Ratliff.

From the counties of Blackford and Jay—Samuel A. Shoaff.

From the counties of Wells and Adams—J. R. Bobo.

From the county of Huntington—J. R. Coffroth.

From the county of Allen—Allen Zollers and B. D. Miner.

From the county of Whitley—John S. Cotton.

From the county of Kosciusko—E. S. Higbee.

From the counties of Kosciusko and Fulton—S. Davidson.

From the county of Noble—Freeman Tabor.

From the county of DeKalb—L. D. Britton.

From the county of Steuben—S. C. Sabin.

From the county of Lagrange—Timothy Field.

From the county of Elkhart—H. G. Davis.

From the counties of Elkhart and Noble—George W. Chapman.

From the county of Marshall—Daniel McDonald.

From the county of St. Joseph—J. C. Williams.

From the counties of St. Joseph and Marshall—Amasa Johnson.

From the county of Laporte—Simon Wile.

From the counties of Laporte and Starke—J. C. Peale.

From the counties of Pulaski, Jasper and Newton—J. P. Barnett.

From the county of Porter—Gilbert A. Pierce.

From the county of Lake—E. C. Field.

From the county of Ripley—T. W. Sunman.)

Mr. Hamilton moved that the House proceed to the election of Speaker, by a *vive a voce* vote.

Which was agreed to.

Mr. Buskirk nominated Mr. Stanton, of Marion county.

Mr. Corey nominated Mr. Coffroth, of Huntington county.

Those who voted for Mr. Stanton, Representative from Marion county, were,

Messrs. Baker, Barritt, Beeler, Bowen, Breckenridge, Buskirk, Chapman, Chittenden, Coffroth, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millikan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabine, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Wilson—54.

Those who voted for Mr. J. R. Coffroth, of Huntington, were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Corey, Cox, Cunningham, Dittmore, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, Zollars and Mr. Speaker 44.

Ambrose P. Stanton having received a majority of all the votes cast, was declared, by the Clerk, duly elected Speaker of the House of Representatives for and during the present Legislature, and was conducted to the chair by Messrs. Buskirk and Coffroth, whereupon the Speaker made the following remarks:

GENTLEMEN:—In entering upon the discharge of my important

and arduous duties this morning, I desire first to return to you my heartfelt and sincere thanks for the high and distinguished honor which you in your kindness have conferred upon me. I wish also to assure you in advance of the fact, and I regret such is the fact, that I have neither the legislative experience, nor that familiar acquaintance with parliamentary usages and customs which will enable me to preside over your deliberations with that ease, promptness and freedom from error which I so much desire. But relying upon your generosity, and asking your cordial aid and co-operation I promise you a faithful and earnest endeavor upon my part to impartially and satisfactorily discharge the duties of my position.

Assembling as we do under the most favorable auspices, let us in all our acts, as the Representatives of the noble people of our great State, continually bear in mind that in our doing *right*, we will do *well*. As we all know, the great and mighty struggle through which we have recently passed in disarming treason, and enforcing law, has entailed upon the nation a large and oppressive financial burden, and after generously providing for the comfort of those unfortunate persons who are the recipients of the bounty of the State, and for the comfort and wants of those noble and brave men who have been disabled while gloriously battling in our defense, let us guard well in all things the expenditures and disbursements from the treasury of the State. The labors to be performed are great, the time in which they are to be done is short, and bringing to their performance, as I am sure you will, an integrity of purpose that is above corruption, and an energy and determination that know no tiring. I trust and believe that you gentlemen will make a record of which you and yours may justly be proud, and with which your constituents will be well satisfied, and now with pleasure I announce that the House is ready for further business.

Mr. J. S. Cotton, a member from the county of Whitley, presented his credentials, and was sworn in by the Speaker.

Mr. Ratliff moved that the House proceed to the election of Principal Clerk.

Before this motion was put, Mr. Williams offered the following resolution :

Whose salary, including all necessary assistance, shall be fifteen hundred dollars.

Which was declared by the Speaker out of order.

The motion of Mr. Ratliff was then put and carried.

Mr. McFadin nominated N. C. Cunningham.

Mr. Ratliff nominated William M. Merwin.

Those who voted for Mr. Merwin were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—55.

Those who voted for Mr. Cunningham were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Cunningham, Dittmore, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollars—43.

William M. Merwin having received a majority of all the votes cast, was declared by the Speaker duly elected Clerk of the House of Representatives.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to notify the House that a quorum of the Senate has assembled, and the following named persons have been chosen the officers of the Senate:

President, *pro tem*, Senator John R. Cravens; Secretary, O. M. Wilson; Assistant Secretary, W. A. Bonham; Door Keeper, John F. Furnish; and that the Senate is now ready to proceed to business. /

O. M. WILSON, *Secretary*.

On motion of Mr. Shoaff, the House proceeded to the election of Assistant Clerk.

Mr. Shoaff nominated Captain John Hansel.

Mr. Chittenden nominated J. O. Hardesty.

Those who voted for Mr. Hardesty were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams, of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—54.

Those who voted for Mr. Hansel were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollers—44.

J. O. Hardesty having received a majority of all the votes cast, was declared duly elected Assistant Clerk of the House of Representatives.

The Principal and Assistant Clerks were duly sworn into office by the Speaker, and entered upon their respective duties.

On motion of Mr. Hamilton, the House proceeded to the election of a Doorkeeper.

Mr. Dunn nominated M. J. McConn.

Mr. Dittimore nominated W. H. Jennings.

Those who voted for Mr. McConn were,

Messrs. Baker, Barrett, Beeler, Bowen, Breckenridge, Buskirk Chapman, Davidson, Dunn, Fairchild, Field of Lake, Field of Lorange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmeyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—54.

Those who voted for Mr. Jennings were,

Messrs. Addison, Admire, Barrit, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittimore, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollers—44.

M. J. McConn having received a majority of all the votes cast, was declared duly elected Doorkeeper for and during the present term, and was sworn into office by the Speaker of the House, and entered upon the discharge of his duties.

Mr. Wildman offered the following resolution:

Resolved, That the rules of the last Legislature, be the rules of this House until others are adopted, and that a Committee of five be appointed for the purpose of revising the rules for the government of this house and make a report on Monday morning.

Which was agreed to.

Mr. Skidmore offered the following resolution :

Resolved, That a Committee of five be appointed, who, with the Speaker, Principal and Assistant Clerks and Doorkeeper, shall have a general supervision of all the employes of the House, and fix the number to be employed ; and that they report their doings to this House.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has appointed a Committee consisting of Senators John A. Stein and Geo. V. Hawk, to join such Committee as may be appointed on the part of the House, to wait upon His Excellency Conrad Baker, Lieut. Governor acting Governor, and inform him that a quorum of each House has assembled and that the General Assembly of Indiana is ready to receive any communication he may be pleased to make.

Mr. Chittenden offered the following resolution :

Resolved, That a Special Committee of seven be appointed, who shall fix the amounts that shall be allowed to each member and officer of the House, for stationery and postage stamps, and the number of papers to be furnished by the House, and that said Committee be requested to report by to-morrow morning, and that all resolutions on the subject of stationery or papers be referred to said Committee without debate.

Which was agreed to.

Mr. Vater offered the following resolution :

Resolved, That the Doorkeeper be instructed to procure and place upon the desks of members two in wrappers and one open, three copies each of the Indianapolis Morning Journal, Sentinel, Telegraph, Evening Commercial and weekly Volks Blatt.

Which was referred to the appropriate Committee.

Mr. McFadin offered the following resolution :

Resolved, That until further ordered, the Doorkeeper be requested to obtain the letters and other mail matter from the Post Office and distribute the same to the members of the House.

Which was agreed to.

Mr. Pierce offered the following resolution :

Resolved, That the Speaker be and is hereby authorized to appoint as many Pages as may be necessary for the transaction of the business of the House.

Which was agreed to.

Mr. Hamilton offered the following resolution :

Resolved, That the message from the Senate be concurred in and that said committee of three be now appointed to wait on his Excellency the Governor.

Which was agreed to.

And the Speaker appointed the following as said committee :
Messrs. Buskirk, Coffroth, and Pierce of Porter.

Mr. Coffroth offered the following resolution :

Resolved, That the seats in this Hall shall be awarded to the members of the House by lot. And to that end, the Clerk is hereby instructed to prepare ballots or cards on all of which shall be written the name of a member; that the names of such members as belong to the party in the majority shall be placed in a box, and the names of such members as belong to the minority shall be placed in another box. That on Friday morning, the 8th instant, at 10 o'clock, the Clerk shall draw alternately one ballot from each box, and as each name is thus drawn such member shall select a seat. *Provided*, That the members of the majority shall select from the seats from that half of the Hall which is to the right of the Speaker, so long as any seats remain vacant on that side, and the members of the minority shall in like manner select seats from the other side of the Hall.

Mr. Smith moved to lay the resolution on the table.

Messrs. Coffroth and Williams demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Chittenden, Davidson, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Johnson of St. Joseph, Kercheval, Lamborn, Logan, Mason, McGregor, Miller, Mitchell, Monroe, Osborn, Pierce of Vigo, Batliff, Sabin, Skidmore, Smith, Stephenson, Stewart of Rush, Tabor, Underwood, Welborn, Wildman, Williams of Union, and Wilson—45.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Coffroth, Cotton, Cory, Cox, Cunningham, Fuller, Ghormley, Hall, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Long, McBride, McDonald, McFadin, Millekan, Miles, Miner, Mock, Montgomery, Neff, Odell, Overmyer, Palmer, Peale, Pierce of Porter, Ruddell, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs, Vardeman, Vater, Wile, Williams of Knox, Williams of St. Joseph, Zenor, Zollers, and Mr. Speaker—52.

So the motion did not prevail.

On motion of Mr. Carnahan, the House adjourned until two o'clock P. M.

THURSDAY, TWO O'CLOCK P. M.

House met.

Pending the adjournment, the question being the resolution offered by Mr. Coffroth,

Mr. Hamilton moved that the resolution be indefinitely postponed.

Mr. Overmyer moved to amend as follows: Strike out all of the resolution after the word "lot," in the second line.

Mr. Dittmore moved to lay the amendment on the table.

Which was agreed to.

Mr. Neff moved to postpone the further consideration of the question one week.

Mr. Williams of Knox moved to lay the motion on the table.

Which was agreed to.

Mr. Coffroth moved the previous question.

Which was not seconded.

Mr. Sabin moved to refer the whole subject to the committee of seven.

Which was not agreed to.

The question recurring on the motion to indefinitely postpone, It was agreed to.

The following named persons are appointed for the purpose of regulating and confirming the appointees of the House.

Messrs. Skidmore, McFadin, Dunn, Neff and Stewart.

The following named persons are appointed to revise the rules of the House.

Messrs. Wildman, Buskirk, Coffroth, Carnahan and Gordon.

Mr. Vater offered the following resolution :

Resolved, That any elected or appointed officer of this house who shall be guilty of intoxication during the session of this body, shall immediately forfeit his position and all compensation whatever thereafter; and that any page who shall be guilty of using tobacco, intoxicating drinks or profane language, shall be dismissed by the Speaker and forfeit all compensation thereafter.

Which was agreed to.

Mr. Pierce of Porter, offered the following resolution :

Resolved, That the Committee appointed on the part of the House and the Senate to wait upon the Governor, be requested to

secure the services of some suitable clergyman to open the session of the Legislature with prayer, immediately preceding the delivery of the Governor's Message.

Which was agreed to.

Leave of absence was granted to Mr. Duncan, on account of sickness, until Monday morning next.

Mr. Dittmore offered the following resolution :

Resolved, That the daily meetings of this house be at 9 o'clock A. M., until otherwise ordered.

Which was agreed to.

Mr. McDonald offered the following resolution :

Resolved, That newspaper reporters be allowed seats inside the bar for the purpose of reporting the proceedings of this house.

Which was agreed to.

Mr. Stewart of Rush, offered the following resolution :

Resolved, That the Librarian be directed to procure a copy of Gavin and Hord's Revised Statutes for the use of each member of this house.

Mr. Cotton moved to amend by adding the following: "and they shall be returned to the Librarian at the close of the session for the use of future Legislatures."

Mr. Mason moved to lay the amendment on the table.

Which was agreed to.

The question recurring on the resolution.

It was agreed to.

Mr. Pierce of Porter, moved to reconsider the resolution and then to lay the motion to reconsider on the table.

Which was agreed to.

The Speaker announced the following Committee on Stationery and Newspapers :

Messrs. Chittenden, Pierce of Porter, Ruddell, Neff, Dittemore, Vater and Tabor.

Mr. Sabin moved that the house adjourn until to-morrow morning at 9 o'clock.

Which was agreed to

FRIDAY MORNING, 9 o'clock. }
January 8, 1869. }

The House met.

On motion of Mr. Hamilton, the reading of the Journal was dispensed with until Monday, 2 o'clock.

Mr. Buskirk, from the committee to wait upon the Governor made the following report :

MR. SPEAKER :

The committee to wait upon the Governor respectfully report that his Excellency will deliver his biennial message to the General Assembly; in joint convention, in the Hall of the House of Representatives, this afternoon at two o'clock. The committee further report that the Rev. Robert Sloss, of the Third Presbyterian church of Indianapolis, has kindly consented to open the joint convention with prayer.

Mr. Coffroth moved to lay the report on the table.

Which was agreed to.

Mr. Coffroth offered the following resolution :

Resolved, That the Senate is hereby invited to meet the House in joint convention, in the Hall of the House, this afternoon at two o'clock, for the purpose of receiving the biennial message of the Governor.

Which was agreed to.

Mr. H. G. Davis, member elect from the county of Elkhart, presented his credentials, and was sworn in by the Speaker.

Mr. Pierce of Porter offered the following protest of James A. Thornton, of Laporte county, against Mr. Simon Wile, the member occupying the seat from that county :

To the Speaker and Members of the House of Representatives of the State of Indiana :

James A. Thornton, of the county of Laporte and State of Indiana, respectfully shows to your honorable body that he was the
H. J.—2.

Republican candidate for Representative to the State Legislature in and for the county of Laporte, at the late State election, and that Simon Wile was the Democratic candidate for the same office, and received the certificate of election thereof, and has been sworn in, and taken his seat, as one of your body.

Your petitioner objects to said Wile retaining his seat, for the following reasons :

That the vote in Cass township, in said county, was counted and allowed by the Board of Canvassers thereof, when said vote ought to have been rejected, because the Judges and Inspectors of the election in said Cass township adjourned for dinner upon said day of election. Also, after the polls were closed, on said day, in said township, the judges and inspectors of said election, in violation of the law of this State, adjourned from the school house, where the said general election was held, to the village of Wanatah, to count and inspect the ballots or votes, a distance of two miles from said school house. That after their arrival at Wanatah, they commenced and continued counting the votes until they adjourned for supper, after which they completed the counting of said votes.

Your petitioner avers that, by reason of the foregoing action of the judges and inspectors of said election, in said township, the votes ought not to have been received or counted ; that said election was wholly void.

And said Thornton further states that he would have been elected by a majority of eighty votes had the votes in said Cass township been rejected, as they ought in law to have been.

That the whole number of votes cast in said township was 267, of which said Simon Wile received 203, and said Thornton 64.

That the whole number of votes allowed for said Wile was 2,937, and for said Thornton — in the whole of said county.

In consideration of the foregoing, said Thornton asks your honorable body to make due inquiry into the matters and things stated in this paper, and award him the seat now claimed and occupied by said Wile, if by law he is entitled to the same.

JAMES A. THORNTON.

January 7, 1869.

Mr. Pierce moved that Mr. J. A. Thornton be allowed a seat on the floor.

Mr. Sleeth moved to lay the motion on the table.

Which was agreed to.

Then, on motion, the protest was referred to the Committee on Elections.

Mr. Coffroth obtained leave and introduced

House bill No. 1. A bill to fix the time of holding the courts in the Twentieth Judicial District.

Which was read a first time, and referred to a Select Committee composed of members from that District.

Mr. Cory obtained leave and introduced

House bill No. 2. A bill fixing the time of holding Circuit Courts in the counties composing the Fourth Judicial Circuit, and declaring an emergency.

Which was read a first time, and referred to a Select Committee composed of members from the counties therein named.

Mr. Bobo obtained leave and introduced

House bill No. 3. A bill providing for the appointment of suitable persons to hold Common Pleas Courts during the absence of Common Pleas Judges, for any part of any term of their said courts, and prescribing certain duties of Clerks and Sheriffs in relation to said Common Pleas Courts.

Which was read a first time, and referred to the Committee on Judiciary.

Mr. Skidmore, from the Special Committee on Employees of the House, made the following report:

MR. SPEAKER:

Your committee to whom was referred the question of the number of employees to be appointed by the elective officers of this House, have had the same under consideration, and beg leave to make the following report:

From all the information obtained by a conference of the committee, elective officers, and a portion of the members of the last House of Representatives, your committee are in favor of allowing the appointment of the following number of officers:

To the Hon. A. P. Stanton, Speaker, four Floor Pages, one Speaker Page, and one Speaker Clerk.

To William M. Merwin, Chief Clerk, one Page, one Reading Clerk, one Registry Clerk, one File Clerk, four Engrossing Clerks, and two Enrolling Clerks.

To John O. Hardesty, Assistant Clerk, one Minute Clerk, and six Journal Clerks.

To Thomas C. McConn, Doorkeeper, three Assistant Doorkeepers, one Keeper of Cloak Room, one Announcing Messenger, one Mail Carrier, two Firemen, two Water Carriers, one Sweeper, one Spittoon Cleaner, one Privy Cleaner, one Post Master, one Assistant Post Master, and four Paper Folders and Carriers.

Mr. Williams moved to lay the report on the table, and that one hundred copies be printed for use of the House.

Mr. Mason moved to lay the motion on the table.

Messrs. Carnahan and Miller demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen of Wayne, Breekinridge, Buskirk, Chapman, Chittenden, Davidson, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker Stanton—51.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davis, Dittemore, Field of Lake, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Neff, Odell, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Shoaff, Shoemaker, Sunman, Tabor, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollers—49.

So the motion was laid on the table.

Mr. Coffroth moved that the report be laid on the table and made the special order for Monday next at 2 o'clock.

Which was agreed to.

The Committee on Stationery made the following report :

Your Committee on Stationery, etc., respectfully report that they have had the same under consideration, and as the result of their deliberations, they submit and recommend the adoption of the following resolution :

Resolved, That the Door Keeper be requested to contract for and deliver to each member and each elective officer of the House three copies each of the following papers, to-wit: *Daily Journal*, *Daily Sentinel*, *Daily Evening Commercial*, and *Daily Evening Mirror*—two copies wrapped and stamped, and one open; also two copies each of the *Daily Telegraph*, *Weekly Volksblatt*, and *Die Zukunft*, wrapped and stamped. That the Librarian be requested to furnish each member of the House with a copy of Wilson's Digest of Parliamentary Law, (provided the same can be purchased at wholesale prices). That the chairman of each of the standing committees be permitted to draw from the State Librarian ten dollars worth of stationery for the use of his committee. That each member of the House be authorized to draw from the State Librarian fifty dollars worth of stationery and stamps. And that the Chief Clerk of the House be authorized to draw from the State Librarian such stationery in kind as may be necessary in the discharge of his duties, and in amount not exceeding one hundred dollars in value. That the Assistant Clerk of the House be authorized to draw from the State Librarian such stationery in kind as may be necessary in the discharge of his duties, and in amount not exceeding one hundred and fifty dollars in value. And that the Doorkeeper be allowed to draw from the State Librarian such stationery as may be necessary in the discharge of his duties, and in amount not exceeding ten dollars in value. *Provided*, That all such shall be purchased at the lowest wholesale prices.

Mr. Ratliff offered the following amendment :

Strike out "fifty" and insert "thirty" wherever the same occurs in reference to the members.

Mr. Overmyer offered the following amendment to the amendment offered by Mr. Ratliff:

Strike out "thirty dollars" and insert "forty dollars" in lieu thereof.

Mr. Johnson of Parke moved to postpone the further consideration of the subject until Monday, at 2 o'clock.

Pending which, the Speaker laid before the House a communication from the Secretary of State, accompanying the depositions in the contest between Samuel Beaty and James A. Peale for a seat in the House of Representatives, from the counties of Laporte and Starke.

Which, on motion, was laid on the table.

The Speaker laid before the House the following communication from the Secretary of State:

MR. SPEAKER:

I beg leave to lay before the House of Representatives "Enrolled Act No. 19, House of Representatives, entitled An act to regulate and make uniform the prices charged by railroad companies for transporting goods, merchandise and material to and from stations on railroads in this State," with the Governor's objections thereto, which was filed in my office March 16, 1867.

Very respectfully,

NELSON TRUSSLER,

Secretary of State.

Which, on motion, was laid on the table.

The question then recurred on the amendment offered by Mr. Overmyer.

Mr. Pierce of Porter moved that the House do now adjourn.

Mr. Ratliff moved to lay the motion to adjourn on the table.

Which was agreed to.

The question being on the amendment,

Mr. Overmyer moved to lay the amendment on the table.

Which was agreed to.

Mr. Shoaff offered the following amendment :

Strike out "*Commercial*," "*Mirror*," and "*Zukunft*."

Mr. Coffroth offered the following amendment :

Strike out the word "two" before the word "*Volksblatt*," and insert "six."

Mr. Pierce moved to lay the amendment on the table.

Messrs. Coffroth and Williams, of Knox, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Bowen, Breckinridge, Chapman, Field of Lagrange, Furnas, Gordon, Hamilton, Higgins, Hutson, Jump, Mason, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Bobo, Britton, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Fuller, Ghormley, Gilham, Greene, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Welborn, Wile, Williams of Knox, Wilson, Zenor, and Zollers—69.

So the motion was not laid on the table.

The question then recurred on the motion of Mr. Coffroth.

Which was agreed to.

Mr. Coffroth offered the following additional amendment :

Resolved, That the consideration of the report of the Committee

on Stationery be divided, so that we may consider: First, the matter of newspapers, and then the matter of stamps and the remainder of the report.

The question being on the amendment offered by Mr. Shoaff,
It was not agreed to.

Mr. Cory offered the following amendment:

Strike out "fifty dollars for stamps and stationery," and insert in lieu thereof "forty dollars for stamps and stationery."

Mr. Stewart of Rush moved the previous question.

Which was seconded by the House.

The question being shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Cory,
It was not agreed to.

The question recurring on Mr. Coffroth's demand for a division of the question,

It was agreed to.

So much of the original resolution as referred to "Wilson's Digest of Parliamentary Law," was taken up and agreed to.

The question now being on the proposition to furnish forty dollars worth of stationery and postage stamps,

Messrs. Pierce of Vigo, and Dunn, demanded the ayes and noes.

Those who voted in the affirmative were,

Addison, Admire, Baker, Barnett, Barritt, Beeler, Bowen, Chittenden, Cory, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Ghormley, Gilham, Hall, Higbee, Johnson of Parke, Jump, Lamborn, McGregor, Millekan, Overmyer, Palmer, Peale, Ruddell, Stewart of Rush, Stewart of Ohio, Tabor, Underwood, Vater, Williams of Union—32.

Those who voted in the negative were,

Messrs. Bates, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Fuller, Furnas, Gordon, Greene, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Kercheval, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Snnman, Tebbs, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollers, and Mr. Speaker Stanton—67.

So the proposition was not agreed to.

So much of the original resolution as referred to stationery for the use of the Chief and Assistant Clerks was taken up,

And the same agreed to.

The question recurring on the main question,

It was agreed to.

Mr. Coffroth offered the following resolution :

Resolved, That each member shall be allowed such amount of stationery as may be needed in the discharge of his duties as a Representative, which shall be drawn from the Librarian upon the written order of the members; and it is hereby made the duty of the Librarian to keep an account with each member, and to report to the House the amount drawn by each member at the end of the session.

Mr. Pierce, of Porter, offered the following amendment :

Reduce the amount to six dollars for stamps and stationery for the use of each member.

Mr. Cory moved to lay the amendment of Mr. Pierce on the table.

Upon which Messrs. Pierce and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cunningham, Dittimore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Odell, Osborn, Overmyer, Palmer, Peale, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, and Zollers—77.

Those who voted in the negative were,

Messrs. Bobo, Britton, Coffroth, Cotton, Cox, Davidson, Logan, McBride, Neff, Pierce of Porter, Ratliff, Shoaff, Stephenson, Sunman, Tebbs, Welborn, Wile, Williams of St. Joseph, Wilson, and Mr. Speaker—20.

So the motion to lay on the table prevailed.

Mr. Pierce, of Vigo, offered the following resolution :

Resolved, That each member of this House be allowed the sum of twenty-five dollars, for stationery and stamps, for his use during the present session of the Legislature.

Mr. Welborn offered the following amendment to the resolution of Mr. Pierce :

Resolved, That the members of this House are hereby authorized to draw from the Librarian in stamps and stationery so much as may be necessary for the use of each member, in value not exceeding twenty-five dollars.

Pending which, on motion, the House adjourned until two o'clock P. M.

INDIANA STATE LIBRARY

FRIDAY, 2 O'CLOCK P. M.

The House met.

Mr. Pierce moved that the Senate be invited into the Hall of the House of Representatives, and that seats be provided on the right of the Speaker for them.

Which was agreed to.

The Senators then entered the Hall of the House of Representatives and occupied the seats assigned them.

Hon. J. R. Cravens, President of the Senate, took the chair and called the joint convention to order.

Messrs. Buskirk and Walcott were appointed a committee to wait upon his Excellency, the Governor, and inform him that the General Assembly has convened, and is ready to receive his biennial message.

Mr. McFadin offered the following resolution :

Resolved, That the Joint Rules for conducting the business of the two houses of the General Assembly at the last session be adopted as the Joint Rules of this General Assembly.

Which was agreed to.

Hon. J. R. Cravens, President of the Convention, then introduced the Rev. Robert Sloss, of the Third Presbyterian Church of Indianapolis, who opened the General Assembly with prayer.

Whereupon, his Excellency, Governor Conrad Baker, delivered the following message :

Gentlemen of the Senate and House of Representatives :

The people of Indiana, in ordaining their Constitution, expressed their gratitude to Almighty God for the free exercise of the right to choose their own form of government; and may I not, in commencing the performance of the duty for which we are now assembled, invite you to join with me in ascriptions of praise and thanksgiving to the same Beneficent Father, for permitting us to meet under such auspicious circumstances, to engage for a season in the performance of duties pertaining to the practical execution of powers thus ordained.

The labors of the husbandman during the year that has just closed, have been rewarded with plentiful harvests, the health of our people has, in the main, been mercifully preserved, peace has dwelt within our gates, and a reasonable degree of prosperity within our homes; and although the wise and the good cannot fail to regret the existence of many evils in society, detrimental alike to individual and social prosperity, notwithstanding these evils, we may congratulate ourselves that the age in which we live is an age of progress, and that the mass of our people are gradually, but surely, advancing toward a higher and a better civilization.

“The unity of government which constitutes us one people,” so long threatened by rebellion and its sequences, would seem to be re-established on enduring foundations; and if we, and those who shall come after us, are faithful to the high trusts confided to us, we may well hope that our prosperity, State and National, will continue to remote generations of our posterity.

GOVERNOR JOSEPH A. WRIGHT.

Although it is a matter of which you are all cognizant, I would feel that I had failed to perform my duty, if I omitted officially to call your attention to the fact that since the adjournment of the last session of the General Assembly, one of the most distinguished of my predecessors, who for many years filled a large and honorable place in the political history of this State, and who enjoyed, in no common degree, the confidence and affections of its people, has departed this life. I allude, of course, to the late Joseph A. Wright. He died at Berlin, the Prussian seat of government, on the 11th day of May, 1867, being, at the time of his death, the accredited Minister of the United States to that Court. The high character, superior abilities, and long and honorable identification of Governor Wright with the public history of Indiana, suggests that the General Assembly should take such action, in view of his departure, as will assure the people, and especially the surviving members of his bereaved family, that his long, faithful, upright, and valuable public services are held in grateful remembrance. Before dismissing this subject, I desire to call your attention to the fact, that, with the single exception of the late Governor A. P. Willard, the State does not possess a portrait of one of its deceased executive officers. It seems to me that the State Library could receive no more appropriate adornment than would be

afforded by the likenesses of its early Governors who have passed from the scenes of earth.

STATE DEBT.

The State's outstanding indebtedness, for convenience of reference, may be appropriately classified as Foreign and Domestic. That which I shall in this communication, designate as the Foreign Debt, consists,

1. Of the two and-a-half and five per cent. certificates of stock, issued under the adjustment made between the State and a majority of her creditors in pursuance of the legislation of 1846 and 1847, commonly called the "Butler Bill."

2. Of six per cent. bonds issued under the legislation of 1861, for war purposes and commonly called the "War Loan Bonds."

The Domestic Debt of the State is that which she owes to her educational institutions, and consists

1. Of the Vincennes University bonds.

2. Of the State's indebtedness to the Common School Fund, for moneys belonging to that fund and used by the State in the redemption of her two-and-a-half and five per cent. certificates of stock, and for other State purposes. This indebtedness is included in four non-negotiable bonds of the State, executed by authority of law, and payable to the School Fund with interest at six per cent., payable semi-annually.

According to this classification, the Foreign Debt of the State was, on the 31st day of October, 1867, as stated in the Auditor's report of that date, as follows, viz :

Five per cent. certificates	\$3,754,236 33
Six per cent. War Loan Bonds.....	237,000 00
Total	3,991,236 33

The Domestic Debt of the State was, at the same date, October 31, 1867, as stated in the same report, as follows :

Vincennes University Bonds.....	\$65,585 00
School Fund Bonds.....	3,367,082 15
Total	3,432,667 15

In making an exhibit of the amount of the Foreign State Debt in the report alluded to, no two and a half per cent. certificates were reported as then outstanding.

As the holders of these had been notified to present them at the State Agency in New York for payment, and as the money was there for the redemption of all of them, they were treated by that report as redeemed. There was in point of fact, however, at the date of that report, and still is, as will hereafter be explained, a small balance of these two and a half per cent. certificates outstanding, but they have ceased to bear interest, as the money is in the treasury of the agency wherewith to redeem them, and the holders have been duly notified to present them.

In the report of the Auditor of State, for the fiscal year ending October 31, 1868, herewith respectfully submitted, the Foreign Debt of the State is thus stated, viz :

Five per cent. Certificates outstanding at the last named date	\$3,322,924 66
Six per cent. War Loan Bonds.....	210,000 00
Two and a half per cent. Certificates.....	7,260 13
Total	<hr/> 3,540,184 79

This exhibit shows that there was a reduction during the fiscal year 1868 of the amount of the five per cent. certificates and war loan bonds outstanding of \$458,311 66; or deducting the two and a half per cent. certificates, amounting to \$7,260 13, not stated in the report of 1867, a net reduction of the foreign debt during the fiscal year 1868 of \$451,051 53.

Since the end of the fiscal year (October 31, 1868,) five per cent. stocks have been redeemed at par to the amount of \$455,795, and war loan bonds have been redeemed in like manner to the amount of \$3,000, making together \$458,795.

The foreign debt of the State, as it now stands, exclusive of the old internal improvement bonds, which will be subsequently mentioned, may be stated as follows, viz :

Five per cent. certificates.....	\$2,867,129 66
Two and a half per cent. certificates.....	7,260 13
War loan bonds.....	207,000 00
Total	<hr/> \$3,081,389 79

Towards the payment of this we have in the general treasury, belonging to the State Debt Sinking Fund, and exclusively applicable to that purpose the sum of \$247,091 72, and in the treasury of the agency at New York, \$43,200 97, making together \$290,292 69, and leaving the amount of five and two and a half per cent. certificates and war loan bonds unprovided for \$2,791,097 10, and being equivalent to a reduction of our foreign debt, since the commencement of the fiscal year 1868, of \$1,200,139 23, all of which was accomplished without contracting any new debt or liability by the process.

The domestic debt of the State, as stated in the Auditor's Report for the fiscal year ending October 31, 1868, is as follows, viz :

Non-negotiable bonds held by the School Fund.....	\$3,591,316 15
University bonds	63,585 00
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Total.....	\$3,654,901 15

This shows an increase in the domestic debt of the State during the fiscal year 1868 of \$222,234 00. This increase was occasioned by the issuing of two non-negotiable bonds to the School Fund :

One, dated May 1, 1868, for.....	\$184,234 00
Another, of same date, for.....	40,000 00
<hr/>	
Making together.....	\$224,234 00

But from this gross increase is to be deducted \$2,000 on account of the reduction of the University bonds during the year, which leaves the net increase of the domestic debt at \$222,234 00, as before stated.

In his last message to the General Assembly, Governor Wright, in 1857, in recommending an abandonment of the old system by which the trust funds were loaned to individuals on mortgage security, and urging the adoption of the plan now being carried out, of investing these trust funds in the purchase of the five and two and a half per cent. certificates of stock, used the following language, viz :

“The present mode of investing the Sinking Fund is chiefly in mortgages upon real estate to our citizens. The facilities thus afforded for borrowing money, create a spirit of speculation, often terminating in bankruptcy and ruin to the borrower. The long list of lands forfeited to the Fund for non-payment of principal and interest, ad-

monishes us to seek for some other mode of investment which shall be equally safe and productive.

"I have repeatedly suggested, and now renew the recommendation, that the Sinking Fund Commissioners should be authorized to invest this fund, from time to time as it may accumulate in their hands, in the bonds of the State, under appropriate limitations as to principal and market value, thus changing the character of our obligations from a foreign to a domestic debt; the interest upon which, when collected from our people, shall immediately be reimbursed to them in the accomplishment of that high and most ennobling object of human government, the education of our youth. It is a high trust, and will be most truly performed when we shall connect the education of our children with the character, integrity and honor of the State."

What Governor Wright so forcibly recommended has, to a considerable extent, been accomplished under the legislation inaugurated at the special session of the General Assembly in 1865; and it is hoped that it will not be abandoned to return to a system which experience has condemned.

The non-negotiable bonds which have been issued to the School Fund should be considered as a perpetual loan to the State. Instead of taxing the people to pay a debt which they virtually owe to themselves, in order that it may be lent on mortgage security to a chosen few, let it remain a loan to all for the benefit of all.

I have intentionally excluded from the two foregoing classes of the public debt, a comparatively small balance of old Internal Improvement bonds which the holders failed or refused to surrender under the "Butler Bill," and upon which no interest has been paid since 1841, except as hereinafter stated.

Notwithstanding the fact that no interest has been paid since 1841 on these bonds, they have annually appeared in the reports of the Auditor of State as a part of the public indebtedness. From 1864 to 1867 inclusive, the amount of these bonds outstanding was stated at \$353,000. The bonds thus reported were each of the denomination of \$1,000, and consequently there were 353 in all. Eight of these bonds were held by the Board of Sinking Fund Commissioners in trust for the Common School Fund when that Board ceased to exist, and its effects were passed into the hands of the Auditor of State under the legislation adopted at the special session of 1865.

These eight bonds had been held by the Sinking Fund Commissioners for more than twenty-five years, and no interest had been paid

thereon subsequently to the year 1841. By the act of March 7, 1867, entitled "An act to consolidate certain bonds, stocks and accounts of the School Fund into one non-negotiable bond, and making other provisions in relation thereto," the validity of these eight bonds was recognized, and the principal and all the accrued interest thereon was included in the new non negotiable bond given by the State to the School Fund, in pursuance of the provisions of that act. This reduced the number of these old bonds to 345. Afterwards, in 1868, eight others of these bonds were surrendered to the Agent of State, and new 5 per cent State stocks were issued to the holders under the "Butler Bill," for one-half of the principal of the bonds so surrendered, and new $2\frac{1}{2}$ per cents were issued for one-half of the interest which had accrued up to the date of the surrender, thereby reducing the number of these bonds outstanding to 337.

At the time the State suspended the payment of interest on her indebtedness, in 1841, the General Government held 211 of these bonds in trust for certain Indian tribes. The State failed to pay any interest on the bonds so held by the Government after the year 1841: but the latter at different subsequent periods applied moneys to which the State became entitled from the sales of public lands within her limits (commonly called the 3 per cent. fund) amounting in the aggregate to \$108,208 59. This application of the 3 per cent. fund paid the interest on 141 of the bonds so held by the Government up to July 1, 1849, and on the remaining seventy up to July 1, 1855.

In April, 1868, one of our Senators in Congress, Hon. O. P. Morton, wrote to me that a bill had been introduced into the Senate which would be pressed to an early consideration, directing the Secretary of the Treasury to deduct from the amount that may be due to any State on account of War claims, the principal and interest of all bonds issued by such State and held by the Government; that this bill was especially intended to cover the old bonds of Indiana, which were purchased by the Government for Indian annuities. Senator Morton, in the same communication, desired me to state in reply what objections, if any, I had on behalf of the State to the passage of the bill. I promptly replied that, if any objections, legal or moral, could be urged to a proposition that the Government should retain out of adjusted claims which it owed to the State, a sum sufficient to liquidate the principal and interest due on any bonds held by the United States against the State, I was ignorant of the existence or nature of such objections. Subsequently, in July, 1868, the

Secretary of the Interior, in whose custody these bonds were held, filed two caveats with the Secretary of the Treasury, one in relation to 141 of these bonds, which had matured in 1857, requesting that payment be withheld from the State out of the balance found to be due to her for expenses incurred in the suppression of the rebellion, of such sum as would cover the face of the bonds, and such interest as might have accrued thereon; the other caveat was in relation to the remaining seventy bonds not matured, and requesting that the interest accrued thereon might be withheld in like manner. Copies of the caveats were communicated to me by the Secretary of the Treasury, and, in consequence thereof, I directed the Adjutant General of the State, who had previously been especially charged with the adjustment of our War claims against the Government, to proceed to Washington to obtain information as to these bonds, and also in regard to the amount of the 3 per cent. fund due to the State from the United States. The Adjutant General proceeded to the Capitol and performed the duty assigned him in a highly satisfactory manner, obtaining full information on both subjects, which was duly reported to me on his return.

Subsequently, on the 8th day of September, 1868, by my direction, the Adjutant General wrote to the Secretary of the Interior requesting that the proper steps might be taken for the settlement of the principal and interest due on these bonds, by the application of a sufficient amount of the allowed War claims of the State against the Government to that purpose. This letter remaining unanswered, I wrote myself to the assistant Secretary of the Interior on the 19th day of October, 1868, to the same effect. Copies of these letters are embodied in the Adjutant General's report herewith submitted. The result was that the Secretary of the Interior sent an agent to this city with the bonds so held by the Government, and on the fifth day of November, 1868, the 141 bonds past due, the principal thereof being \$141,000, and the accrued interest thereon being \$136,300, were surrendered to me with the attached coupons, and I deposited them in the vault of the Treasurer of State. The principal and interest of these 141 bonds amounted to \$277,300. Of the seventy remaining bonds not matured, the Secretary of the Interior could only produce sixty-nine, one having been lost or mislaid, but he had two of the coupons of the lost bond. The coupons of these last mentioned bonds, representing interest to the amount of \$46,625, were detached and surrendered to me and deposited with the Treasurer of State.

The total amount of principal and interest settled was \$323,925 ; and I requested in writing that the Secretary of the Treasury would transfer that amount out of the allowed War claims of this State against the Government to the credit of the Secretary of the Interior, in consideration of the surrender of said bonds and coupons. The Government still holds the sixty-nine bonds, the interest thereon being settled to July, 1, 1868 ; and the principal being not yet due. This leaves 196 of these old bonds still outstanding, 126 of them being in the hands of persons other than the Government, and one claimed by the Government being lost or mislaid.

It will remain for the General Assembly, in its wisdom, to determine what action, if any, shall be taken with reference to these old bonds. I would unhesitatingly recommend that provision be made for their adjustment, but for the apprehension that such action on your part might give encouragement to a combined effort which it is said will be made either at the present or at some future session of the General Assembly, to induce the State to take back the Wabash and Erie Canal, and impose upon the people of the State that half of the original debt which was extinguished, so far as the liability of the State is concerned, by the conveyance of the canal and its revenues, and some 800,000 acres of land, under the provisions of the "Butler Bill."

No such effort shall receive aid from any official action of mine, and I therefore refrain from making any recommendation as to these old internal improvement bonds still outstanding.

The adjustment made under the "Butler Bill" was, as between the State and the creditors who assented to the arrangement, a complete accord and satisfaction. One half of the debt was extinguished, and ceased to be a debt against the State, and was charged exclusively, with the assent of the creditors, upon the canal and its revenues. The old evidences of debt were surrendered and cancelled, and we issued new 5 per cent. certificates for one-half of the principal, and new $2\frac{1}{2}$ per cents. for one-half of the accrued interest ; the canal was surrendered to the creditors by conveying it to trustees, a majority of whom were selected by them, and the certificates of canal stock issued at the same time for one-half of the debt on their face show that the creditors were to look exclusively to the canal for the redemption of these certificates, and not to the State. To acknowledge any liability on the part of the State for the payment of any part of this canal debt, would be to create a new debt for a purpose expressly inter-

dicted by the Constitution. The Constitution in terms declares that "no law shall authorize any debt to be contracted on behalf of the State, except in the following cases: to meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or if hostilities be threatened, to provide for the public defence."

In 1857 the General Assembly passed a joint resolution declaring that the General Assembly has no power under the Constitution to purchase the Wabash and Erie Canal, and that if it had the power, it would be impolitic, unwise and injurious to the best interests of the people of the State to purchase said canal. I respectfully recommend that the substance of this resolution be re-adopted at the present session. At the last session of the General Assembly, a joint resolution passed the Senate, but was not acted upon in the House, proposing an amendment to the Constitution declaring that the General Assembly shall never incur any debt or liability, or recognize any claim whatever, growing out of or connected with the Wabash and Erie Canal, or matters pertaining thereto, except as provided for in an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846, and the act supplemental thereto approved January 27, 1847; and that said acts should never be construed so as in any manner to create any liability or legal obligation on the part of the State to pay the canal debt, but that the proposed amendment should not be construed as affecting the rights of persons holding the obligations of the State, and who were not parties to the adjustment of the debt of the State as made by said acts of 1846 and 1847.

The principal of the entire debt of the State prior to the adjustment under the "Butler Bill" was over \$11,000,000, and the accrued interest then unpaid was over \$3,000,000. The one-half of the canal debt, including interest at five per cent., since the adjustment, would now amount to some \$15,000,000. If the assumption of this immense burden is to be proposed, let the proposition be made to the people themselves, who will have to bear it by submitting a constitutional amendment upon which they can vote.

REPORT OF STATE TREASURER.

The State Treasurer's Report will be laid before you, from which it will be seen that his department is in a very satisfactory condition.

ASSESSMENT AND TAXATION.

By the first section of the act of December 21, 1858, providing for the appraisement of real estate, the Board of County Commissioners of each county were required, at the first term after the passage of the act, or at a special session to be immediately called, to appoint an appraiser of real estate for such county. A proviso to the section declares that nothing in the section shall prevent the Board of Commissioners of any county from appointing a deputy or deputies to the Appraiser in case of sickness, want of time or other disability to discharge the duties in the time and manner required by law. The second section of the same act provides for the election of an Appraiser at the October election in 1863, and every fifth year thereafter. There is no provision in the act authorizing the Boards of Commissioners of the several counties to appoint deputies to the Appraisers that are to be elected in 1863, and every fifth year thereafter, unless the proviso to the first section confers that power. Appraisers were elected under this act at the late October election, and the Boards of Commissioners of many of the counties have already appointed deputies to the Appraisers thus elected. In answer to inquiries made by county officers, the Auditor of State has issued a circular to the several counties, in which he gives the opinion that the Boards of Commissioners have no power to appoint deputies to the Appraisers elected by the people; but that the proviso to the first section of the act only applied to the Appraisers appointed for the year 1858 by the Boards of Commissioners. I believe this opinion to be correct, and there seems to be no power conferred on the Appraiser himself to appoint deputies. As the Appraiser is required by the 13th section of the same act to return his appraisement to the County Auditor on or before the fourth Monday of May after his election, there will not be sufficient time for a single Appraiser to make the appraisement within the time limited. Some provision should be made for appointing assistant appraisers, or a law should be passed declaring that the present appraisement shall remain as the basis of taxation for another year, and giving the Appraiser elected in each county time to appraise personally all the real estate in his county. It is very important to have a uniform and just appraisement of real estate for taxation, and it is believed that this will be better attained by having one man to appraise all the real estate in a county than by having a multiplicity of Appraisers in each county.

The law as it now stands fixes the compensation of Appraisers of real estate at two dollars per day. It is worthy of consideration whether this is an adequate compensation under existing circumstances.

The act of March 15, 1867, entitled "An act to provide for the assessment and collection of taxes on shares of stock in banks, and banking associations doing business in this State," expressly exempts stock in the Bank of the State of Indiana and in National Banks from taxation for municipal purposes. I respectfully recommend that this section be repealed, and that an amendatory section be passed declaring that shares of stock in these exempted banks shall be taxable for municipal purposes like other property.

Banks are generally, if not always, located in incorporated towns or cities, and derive as much benefit and protection from municipal government as any other persons or institutions, and there is no justice in exempting them from their just share of municipal burdens. The stock of the National Banks doing business in this State can not be taxed for municipal purposes so long as that of the Bank of the State of Indiana is exempt, because the act of Congress requires it to be placed on an equal footing as to taxation with State Banking Institutions. It is true that the fifteenth section of the charter of the Bank of the State exempts its capital stock and that of its branches from municipal taxation, and it is equally true that the Supreme Court of this State, in 1858, declared this exemption to be constitutional. In the decision alluded to it was held that the provision of the Constitution which makes it the duty of the Legislature to "provide by law for a uniform and equal rate of assessment and taxation, and to prescribe such regulations as shall secure a just and equal valuation for taxation of all property, both real and personal," has no application to municipal taxation, but refers to the general levy by the State, and the reason given is that taxes for corporation, township and county purposes cannot be equal; that is, because a different rate of taxation is required in one municipal corporation, county or township than is demanded by the necessities of another, therefore the very just constitutional provision as to equality and uniformity of assessment and taxation of all property, has no application to county, township or municipal taxation.

The county, township and municipal taxes are many times greater than the aggregate amount of the taxes imposed directly by the State; and the result of this construction is, that the Constitution has care-

fully guarded the smaller interest, but has left the larger unprotected and a mere matter of legislative discretion.

In 1863, however, the decision of the Supreme Court before alluded to was virtually overruled by the same tribunal; and following the interpretation given by the Supreme Courts of Ohio and Wisconsin to similar constitutional provisions, the just principle was established that the constitutional restriction applies to every species of taxation imposed under or in pursuance of State law; not requiring that the same rate of taxation shall be imposed in one county or city that is assessed in another county or city, but that the rate of assessment shall be equal and uniform on all property, real and personal, within the jurisdiction or territory in which the tax is levied.

If the tax be a State tax, it must be uniform and equal on all property in all parts of the State. If it be a county, township or city tax, it must be uniform and equal on all property throughout the county, township or city in which the levy is made.

This just and reasonable interpretation of the Constitution removes all obstacles in the way of an equal taxation of bank stocks with other property. In the larger towns and cities municipal taxation is necessarily onerous, and by exempting large amounts of banking capital, (than which no other property can better afford to pay taxes,) the burdens imposed for the benefit of all, are made to fall unjustly on other property and capital not thus favored.

For the years 1867 and 1868, the tax placed upon the duplicate for State Debt Sinking Fund purposes was twenty cents on each one hundred dollars in value of taxable property, and the collections for those years were made accordingly. The correctness of this levy depends upon the construction of three separate and distinct acts of the General Assembly, and, in my judgment, a correct construction of these acts only authorized fifteen cents on each one hundred dollars in value of taxable property. The acts upon which this question depends are those of March 9th, 1861, entitled "An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of Common Schools," etc.; the act of May 13, 1861, authorizing the issue of war loan bonds, and the State Debt bill of Dec. 21, 1865. The act first named authorizes a five cent tax for the reduction and ultimate extinction of the public debt. The act of May 13, 1861, authorizes a five cent tax for the payment of the interest and final payment of the principal of the war loan bonds, and the act last above mentioned authorizes a ten

cent tax for the redemption of the five and two and a half per cent. certificates of State stock outstanding. I think the five cent tax authorized by the act of March 9, 1861, was merged in and repealed by the ten cent tax levied by the State Debt bill of Dec. 21, 1865, and left the rate of taxation at fifteen cents on each one hundred dollars in value of taxable property for State Debt Sinking Fund purposes.

I have caused estimates to be made, and am satisfied that a State Debt Sinking Fund tax of fifteen cents on the hundred dollars for the year 1869, and a tax of ten cents on the hundred dollars, for the same purpose, for the year 1870, will be sufficient, with the aid of the Sinking Fund assets in the hands of the Auditor of State, to pay off all the foreign indebtedness of the State with the exception of the old internal improvement bonds, and thereafter no taxes for Sinking Fund purposes will be required. I therefore recommend that these rates be established for the years above mentioned, respectively, for State Debt Sinking Fund purposes, and that the levy of twenty cents on the one hundred dollars of value, for the same purpose for the years 1867 and 1868, be legalized, to the end that there may be no question as to the collection of the unpaid taxes for those years. Unless your appropriations shall exceed what I now anticipate, the State tax proper can also be reduced to fifteen cents on each one hundred dollars of taxable property. If the Committee of Ways and Means, or any other Committee, or member of either branch of the General Assembly, shall desire to inspect the estimates upon which I base the opinion as to the rates of taxation necessary for State Debt Sinking Fund, and for general revenue purposes, it will afford me pleasure to furnish them.

WAR CLAIMS AGAINST THE UNITED STATES.

It will be seen by reference to the Adjutant General's report that since the commencement of the war, claims against the United States have been filed, at different times, as follows, viz :

In the office of the Third Auditor of the Treasury
claims were filed for advances in raising, organizing,
equipping, subsisting, arming and transporting vol-
unteers, amounting to.....\$3,049,134 17

In the office of the Second Auditor of the Treasury
claims were filed as follows, viz :

1st. For ammunition furnished by the Indianapolis

Arsenal, established and carried on by Governor Morton.....		781,652 34
2d. For expenses of taking care of and repairing United States arms.....		23,916 68
3d. For pay of Indiana Legion, paid by the State through State Paymaster.....		518,948 13
Making in all the large sum of.....		<u>\$4,373,651 32</u>

Of the above amounts, the second item of \$781,652 34 had been fully settled and adjusted by Governor Morton during his administration. The third item above stated, of \$23,916 68, was audited in the fall of 1867, and \$23,859 28 allowed thereon, which last named sum was received by me December 26, 1867, and then paid into the State Treasury.

After deducting the sums thus adjusted, there still remained pending claims amounting in the aggregate to \$3,568,082 30. The greater portion of the claims going to make up this amount were suspended, and some of them had been disallowed. The Adjutant General of the State did everything in his power to supply the lacking proof and explain away the objections upon which the various accounts had been suspended, and to procure a proper and final adjustment of the claims. By my direction he made several trips to Washington, and was seconded in his efforts by the personal influence and exertions of Senator Morton. I was determined, if possible, to have the claims prosecuted and adjusted without employing an agent resident at Washington, and promising or paying him a per centum, as I was informed other States were compelled to do. Ultimately, I was advised by Senator Morton, Adjutant General Terrell and others, that unless I yielded in this respect, the prospect of getting the claims adjudicated was very remote. I thereupon consented that the Adjutant General might employ such an agent, at a compensation not exceeding two per cent. on the amount which should be allowed to and realized by the State through his efforts; but that no part of this per centum should be paid until it should be acted upon and the arrangement approved by the General Assembly. The Adjutant General made a written contract with Mr. J. A. Coburn, in pursuance of this authority from me, to the effect above stated. I promised to report the arrangement to the General Assembly and recommend its approval, which I now do; but I desire it to be distinctly understood that the whole matter is open to your investigation, and must be decided

by you. I have paid Mr. Coburn \$1,250 to meet his expenses while engaged in this service, which sum is to be deducted out of the per centum you may allow him.

The Government held large claims against the State, upon which interest was accruing, while our unliquidated claims against the Government drew no interest, hence my great desire for a speedy adjustment of the accounts. The written agreement made with Mr. Coburn is embodied in the Adjutant General's report, to which I refer you for full information on that subject.

Since the making of this arrangement, and through the efforts of the agent so employed, allowances have been made to the State, on claims which had previously been suspended, disallowed, or not examined, to the amount of \$1,653,497 95; and prior thereto, claims had been allowed amounting to \$305,719 99, the aggregate of the amounts allowed being \$1,958,917 94. Of this I received on the 4th day of December, 1868, the sum of \$91,730 39, which I paid into the Treasury of State on the same day, and the residue of the amount so allowed, viz., \$1,867,187 55, was applied as follows, viz:

Advanced to the State by the United States in 1861...	\$450,000 00
Paid into the Treasury of the State by Quartermaster General Ekin	198,128 14
Advanced to the State by the United States in 1863...	133,302 91
Balance of direct tax of 1862.....	700,442 43
Paid by United States mustering officer in 1863-4.....	60,500 47
141 bonds of the State surrendered	141,000 00
Interest thereon to November 1, 1868.....	136,300 00
Interest on \$69,000, other bonds (not yet due) to July 1, 1868.....	46,575 00
Two coupons of lost bond.....	50 00
Allowance on account of 100 day men not yet paid because of deficit in appropriation.....	888 60
Total	<u>\$1,867,187 55</u>

And for a fuller exhibit of the condition of our war claims I refer you to a detailed statement which I have prepared and will submit with this communication as an appendix thereto.

NEW BUILDING FOR SUPREME COURT, STATE OFFICES, ETC.

By the act of March 9, 1867, the Governor was authorized to cause to be erected on ground belonging to the State, a building suitable

and convenient for the use of the Supreme Court and officers of State, at a cost not exceeding fifty thousand dollars.

Shortly after the adjournment of the last General Assembly, a consultation was had between the Judges of the Supreme Court, State officers and myself, with reference to the dimensions of the proposed building, and the number and arrangement of the several apartments; and the plan adopted was conformed to their wishes in these respects. Specifications were prepared, printed, and extensively circulated so as to induce competition in bidding for the contract, and sealed proposals were invited by advertisements.

There were quite a number of bids made, and the work was awarded to the lowest bidder at a price considerably below the limit fixed by the act before alluded to. My best efforts were made to observe literally the limitation imposed as to cost, and at the same time secure such a building as the wants of the public service required, and as would not be a reproach to the State in architectural appearance.

With the greatest possible care and the most rigid economy, owing to necessary changes in the original plan, and additional accommodations which were not thought of when the specifications were prepared, I was compelled to expend \$2,101 55 more than the sum named in the act, and to leave the Supreme Court room in an unfinished condition. It will require a small appropriation to finish this room, and there should be provided a stone platform with iron railing, in front of the offices on Washington and Tennessee streets.

I trust you will cause the building to be examined by the appropriate committees, feeling assured that you will find that the money was prudently expended, and that the building is well adapted to the purpose contemplated by the General Assembly. I have prepared a detailed statement of the moneys received and disbursed in the erection of the building, which I will submit with the contracts and vouchers, and such explanations as may be necessary, to the committees to whom the subject matter may be referred.

The act authorizing the erection of the building appropriated the sum of \$40,000 to be provided by a loan of that sum out of the Sinking Fund. No provision was made for the obtaining of the money necessary to carry out the intention of the act beyond the \$40,000 thus appropriated.

I was fully convinced that sound economy, and the safety of the public records, required that the building should be erected with the least practicable delay; and as this could not be accomplished without the

necessary pecuniary means, the whole sum expended, namely, \$52,101 55, was advanced by the Auditor of State out of the Sinking Fund, and a bond was given to that fund for the sum of \$40,000 (part of the sum so advanced,) in pursuance of the requirements of the act. I respectfully recommend that an appropriation be made from the State Treasury of the entire amount so advanced, and that it be repaid to the Sinking Fund without delay, and that the forty thousand dollar bond given to that fund be cancelled. There is nothing in the condition of the treasury, present or prospective, to prevent such an appropriation; and although the matter escaped my notice when the bill was presented for approval, and was, I suppose, also overlooked by the General Assembly in passing the bill, still it is essentially a law, authorizing a debt to be contracted on behalf of the State, and that debt is not for one of the purposes authorized by the Constitution. The Constitution declares that no law shall authorize any debt to be contracted on behalf of the State except in the following cases, viz: To meet a casual deficit in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or if hostilities be threatened, to provide for the public defense. I, therefore, trust that the debt thus inadvertently authorized contrary to an inhibition of the Constitution, will be speedily liquidated by the necessary appropriation. It may be proper to add in this connection that the building has been occupied by the State officers and Judges of the Supreme Court since January, 1868.

MORGAN RAID COMMISSION.

The General Assembly, near the close of its last session, passed a concurrent resolution after a bill somewhat similar in its nature had failed, directing the Governor to appoint three Commissioners, whose duty it should be to hear, determine, and adjust all claims for losses which had heretofore accrued by reason of the injury, destruction, loss, or impressment of property had or held by any inhabitant of this State by rebel forces under the command of John Morgan, in the year 1863, or caused by the State or national forces engaged in repelling said invasion, or caused by organized and equipped troops to repel the threatened invasion of the State by the rebel forces under Adam Johnson in the year 1864. The resolution also directed the Governor to appoint an attorney who should be present at all the meetings of the Commissioners, to act as the attorney of the State, and look after and protect her interests. Although this resolution

had not the force and effect of law, it was such a positive and unmistakable expression of the will of the General Assembly that I felt it to be my duty to respect it by a cheerful compliance with its requirements. I accordingly, on the 28th day March, 1867, appointed Hon. John I. Morrison, of Marion county, Colonel John McCrea, of Monroe county, and Colonel Smith Vawter, of Jennings county, Commissioners, for the purpose indicated in the resolution. I also appointed Colonel Charles W. Chapman, of Kosciusko county, Attorney for the State under the resolution. Colonel Chapman resigned the position about the time the Commission entered upon its labors, and I appointed General Thomas M. Brown, of Randolph county, Attorney for the State in his stead. The Commission was authorized by the resolution to appoint their own Clerk, and they did appoint William F. Browning, Esq., of Monroe county, to that position. After the Commission had entered upon its labors, it was ascertained by experience that its operations would be much delayed, and the expenses enhanced, unless additional clerical force was employed. I advised the Commission to employ an assistant clerk, and they accordingly employed G. W. C. Self, Esq., in that capacity. The Commissioners, attorney, and clerks thus appointed, have, as I believe, all faithfully, intelligently and honestly performed their duties.

According to the requirements of the resolution, the Commissioners have made a report to me of their proceedings under the resolution, and also a supplement to that report. I herewith submit both of these reports to you for such action as you in your wisdom may deem proper to be taken thereon.

I also submit a copy of the resolution under which the Commission was organized. All the records, books, and papers, pertaining to the Commission are in my possession, and will be submitted to any committee or committees that either or both branches of the Legislature may appoint to consider the subject.

It will be seen by the reports that the sum total of all the claims presented to the Commission for adjudication was \$497,399 21-100, and that the sum total of all the claims approved and allowed amounts to the sum of \$413,599 48-100.

My own opinion as to the propriety of the State affording some proper relief to the sufferers by the "Morgan Raid" has long since been publicly expressed in the performance of my official duties. I have subsequently discovered no good reason to change that opinion. I adopt the language of my immediate predecessor on this subject,

addressed to the General Assembly of 1865, by saying that "the true theory of our government is that it shall protect the people in their persons and property against invasion and loss from the public enemy, or injury by domestic insurrection. Where losses have been thus sustained, it is much easier for the people of the State to bear them in their collective capacity than for the particular individual on whom they have fallen."

Some of the classes of claims may be less meritorious than others, and some of the claimants may deserve less consideration than others. It will be seen that some of the claimants are corporations, and in my judgment an appeal from them for relief would come with much less force than one from a natural person, all of whose possessions had perhaps been swept away by the public enemy. I submit the whole matter to you, with the expression of the hope that you will give the claims of the sufferers a careful, and as far as you may deem consistent with your duty to the public, a favorable consideration. The resolution further directs that the Governor shall recommend the amount of compensation that shall be paid to the Commissioners and other officials for their services in carrying out the resolution. I accordingly recommend that the per diem and mileage allowed by law to members of the General Assembly be made the measure of compensation. No appropriation was made for record books, stationery, etc., for the use of the Commission, and the Commissioners were compelled to borrow money with which to purchase these necessities. I submit an account of the money thus expended, and recommend that it be reimbursed. As the gentlemen appointed rendered the services by direction of the General Assembly, and while performing it defrayed their own expenses, I trust there will be no unnecessary delay in refunding the money expended, and in providing for the payment of such reasonable compensation as you may, in your judgment think proper to award. The Commissioners have embodied in their reports a statement of fees claimed by clerks, sheriffs and printers for services rendered under the resolution. It may be proper in this connection to state that the sixth clause or specification of the resolution provides that the State shall in no event be liable for the cost of witnesses summoned on behalf of the claimants, nor for the cost of summoning such witnesses. It may be that these costs were all made by the State, but it is not so stated in the report.

SOLDIERS' AND SEAMENS' HOME.

The Soldiers' and Seamens' Home near Knightstown, which was adopted as one of the Benevolent Institutions of the State by the last General Assembly, is in successful operation, and has already accomplished great good in ministering to the necessities of a class of men who have done and suffered much for their country. The report of the Board of Trustees of that institution is herewith respectfully submitted, to which you are referred for a full history of its operations. The fifty acre tract of land on which the Home is situated was purchased prior to the adoption of the institution by the Legislature, with the voluntary contributions of the people. Since the adjournment of the last General Assembly the land has been conveyed to the Board of Trustees, created by the act of last session. It will be seen by the report of the Superintendent accompanying that of the Board of Trustees, that, since the establishment of the Institution, four hundred men, disabled either in the military or naval service of the country, have received the benefits of the Home; that two hundred and twenty-one of that number, after a temporary sojourn at the Home, were discharged in an improved condition; that thirty-one have died, and that one hundred and forty-eight still remain in the Institution. The Board of Trustees have erected a beautiful brick edifice, capable of accommodating about two hundred men, and have devoted the old frame buildings which were on the farm at the time of its purchase to the use of the Orphans Department, in which are gathered eighty-six children of deceased soldiers. Many of these children were taken from the Poor Houses of the different counties; and all of them would have suffered for food, raiment and mental and moral culture, but for the guardian care which the State exercised over them in providing this institution.

I feel assured that no effort on my part is necessary to secure from you ample provision for these disabled soldiers and orphan children.

BENEVOLENT INSTITUTIONS.

Common humanity, as well as the requirements of the Constitution, demand that the Institutions for the Education of the Blind, and the Deaf and Dumb, and the Hospital for the Insane, should be liberally supported.

When the new wing of the Hospital for the Insane, now nearly completed, shall have been finished and prepared for the reception of

inmates, the capacity of the institution will be nearly, if not quite doubled, and many in all parts of the State, who are now suffering for want of proper care and treatment, may be relieved. The Board of Trustees represent in their report that the provision made for the subsistence of the inmates is not adequate to their wants. Believing that upon a careful examination of their report and accompanying tables, you will be satisfied that their request for increased liberality on the part of the General Assembly is entirely reasonable, I feel assured that you will not hesitate to make such increased provision as the wants of the institution may justly require.

The Board of Trustees of the Institution for the education of the Deaf and Dumb, as well as that for the education of the Blind, ask appropriations for the enlargement of their respective Institutions. At the time of the establishment of these Institutions, the State contained a much smaller population than it now does; and we must not forget that the number of those who need the training which such institutions can alone impart, will increase with our population, and we should be prepared with additional accommodations commensurate with the number which may from time to time be entitled to admission. For a statement of the condition and wants of these benevolent institutions, I refer you to the reports of their respective Boards of Trustees, and recommend that every reasonable demand made by those under whose care they are placed may be promptly and liberally supplied.

HOUSE OF REFUGE.

At the last session of the General Assembly a successful effort was made for the first time to execute the mandate of the Constitution requiring the law making power to provide Houses of Refuge for the correction and reformation of juvenile offenders.

The third section of the act then passed made it my duty to select and establish a site for the Institution, and authorized the procurement for that purpose, by donation or purchase, in the name of the State, of not less than eighty nor more than three hundred and twenty acres of land, giving preference, other things being equal, to a location central and easy of access from all parts of the State.

Shortly after the adjournment of the Legislature, persons interested in the matter, were invited by public advertisement, to make propositions for the donation or sale of lands which they might judge to be suitable for the site of such an Institution. Numerous proposi-

tions to sell lands to the State were received, but no donations were offered. I examined either personally or through a competent agent about thirty farms at different points, with a view to the selection of the best site for the Institution, and ultimately purchased two adjacent tracts of land in Hendricks county, near the town of Plainfield, for that purpose. The two tracts contain, together, two hundred and twenty-one acres. The purchase was made in June, 1867, and in the same month I deposited in the office of the Secretary of State a certificate of the location of the institution, together with the deeds of conveyance by which the lands were conveyed to the State. One of the tracts, consisting of one hundred and sixty acres, of upland, was purchased from Robert R. Downard for twelve thousand eight hundred dollars (\$12,800). The other, consisting of sixty one acres and a fraction of superior creek bottom land, was purchased from John Larrance for the sum of eight thousand five hundred dollars (\$8,500), making the entire cost \$21,300.

By the 25th section of the act to establish the institution, the sum of fifty thousand dollars was appropriated, to be paid out of the State Treasury to the Board of Control of the institution in such sums and at such times as might be deemed necessary and proper. By the 26th section of the act, the Governor and Board of Control of the institution were authorized to sell a tract of land owned by the State, and described in that section, containing one hundred acres, for cash or on credit, and apply the proceeds thereof towards the purchase of other grounds and the erection of suitable buildings for the institution. From what has already been said it will be seen that it was made my duty to locate the Institution, and to procure the necessary land by purchase or donation, but no means were placed at my control except such as might arise from the sale of the one hundred acres of land belonging to the State, and authorized to be sold as before stated. As it was manifest that with the most prudent management and the most rigid economy, the \$50,000 appropriated would not be sufficient to erect the necessary buildings, furnish them and defray the current expenses of the Institution until the meeting of the present General Assembly, I borrowed, temporarily, from the Board of Control \$12,000, to enable me to make the advance payment on the land. Of this \$12,000, I paid to Mr. Downard \$7,000, in part payment of the land purchased from him, and agreed that the State would pay him the balance of the purchase money, viz., \$5,800, (with interest from the date of the purchase,) on or before February

20, 1869; and for the security of the payment of this amount a lien was reserved in the deed from Downard to the State. The residue of the \$12,000 thus borrowed from the Board of Control, viz., \$5,000, I paid to Mr. Larrance in payment of the cash portion of the price of the land purchased from him, and I agreed that the State would pay him the remainder of the purchase money, viz., \$3,500, (with interest from the date of the purchase,) on or before the 20th day of February, 1869.

Diligent efforts were made to sell the hundred acre tract of land before mentioned, but only two offers were made therefor. One of these offers was so much below the real value of the land that it could not be entertained. The other offer of \$7,500 was believed to be the fair value of the land. It was made by Mr. William McCaslin, of Marion county, but he did not propose to pay any part of the price in cash. His proposition was to pay one-third of the purchase money, with interest, on the 15th of October, 1867; another third, with interest, on the 27th day of May, 1868, and the remaining third, with interest, on the 27th day of May, 1869, and to secure the whole by a mortgage on other lands, with a stipulation in the note and mortgage that a failure to pay any instalment when due should render the whole due and payable. With the concurrence of the Board of Control of the House of Refuge, I accepted Mr. McCaslin's proposition, gave him a certificate of purchase, showing that he would be entitled to a deed from the State upon full payment of the purchase money. The first and second instalments of the purchase money having become due, and not having been paid, proceedings were commenced and are now pending for the foreclosure of the mortgage.

Prior to the location of the House of Refuge, a portion of the people of Plainfield and its vicinity proposed to raise by subscription a considerable sum of money to be donated to the State to aid in paying for the land to be purchased for the site, provided the Institution should be established in that neighborhood. These subscriptions amounted in the aggregate to \$7,379, and were payable in three equal annual instalments on the 25th of December, 1867, 1868, and 1869, respectively. Of the amount so subscribed, notes were taken from a portion of the subscribers, payable in instalments as before stated, to the amount of \$5,595, and the residue still stands on the original subscriptions except so far as subsequently reduced by payments. On the subscriptions and notes thus taken, there has been collected and paid into the State Treasury the sum of \$1,293 88. The further sum

of \$491 95 has been satisfied by work and materials and live stock furnished by subscribers for the House of Refuge and the farm, making the total sum collected on notes and subscriptions \$1,785 83. It is believed that when all is collected that can be collected, the State will, with the collections already made, realize from these notes and subscriptions, at least \$6,000. If this estimate shall prove to be correct, and the price of the one hundred acre tract of land sold, as before mentioned, shall also be collected, as it assuredly will, the two hundred and twenty-one acres on which the House of Refuge is located will only have cost the State \$7,800, over and above the proceeds of the sale of the one hundred acre tract. In the month of October last, I repaid to the Board of Control the \$12,000 so borrowed from them; and to do so I was compelled to borrow that amount in another quarter. I respectfully ask that an appropriation be immediately made to enable me to refund the money thus borrowed; and also an appropriation sufficient to pay the balance of the purchase money, with interest, due to Downard and Larrance respectively.

It affords me pleasure to say that the success of the House of Refuge has exceeded my most sanguine expectations. I respectfully refer you to the report of the Board of Control for a history of its operations, and commend the institution to your fostering care, with the expression of a confident belief that, in liberally providing for its enlargement and support, you will be practicing a wise economy and meeting the expectations of an enlightened constituency.

I am fully persuaded that, in the execution of our penal laws too little attention has been given to the reformation of offenders; and the juvenile delinquents of a community afford not only a hope, but, in a large majority of cases, an assurance of success in the exercise of reformatory influences and treatment. It will be seen by the report of the Board of Control, that of the \$50,000 appropriated for the establishment of the institution, and for defraying the current expenses thereof, the sum of \$39,261 25 was expended in buildings and other necessary improvements; that the expenses of the institution since it was opened, in January, 1868, including furniture, stock and implements for the farm, and the clothing and support of the boys, &c., &c., amount to the sum of \$20,738 15; and that the Commissioners were compelled, to enable them to keep the institution in operation, to make a loan of \$10,000.

I am fully satisfied that the affairs of the Institution have been wisely and economically managed, and that the loan was unavoidable;

and it is due to the Commissioners to say that it was made with my approval, and that I personally bound myself jointly with the Commissioners in an obligation to repay the same. I recommend that an appropriation be made without delay to enable the Commissioners to repay the sum so borrowed.

BANK OF THE STATE OF INDIANA.

I herewith submit the Report of the Board of Directors of the Bank of the State of Indiana, and of each branch thereof made in pursuance of the sixtieth section of the charter of that institution:

QUARTER MASTER GENERAL'S REPORT.

At the last session of the General Assembly Governor Morton submitted, as one of the documents accompanying his message, the final report of Quarter Master General Stone. The report gives an account of the disbursement of hundreds of thousands of dollars, besides other important matters relative to the part taken by this State in the suppression of the rebellion. The report was not published with the other reports accompanying that message, whether intentionally or by mistake I do not know.

Believing that the report ought to be published, I have thought it best to call your attention to the matter. The report is in my possession, and will be furnished should you see proper to order its publication.

I herewith respectfully submit the report of the present Quarter Master General, to which you are referred for information in regard to his Department.

STATE PAYMASTER.

By the twenty third section of the General Appropriation bill of March 11, 1867, Major Stearns Fisher, State Paymaster, was directed to pay over to the State Treasurer, on the 15th day of June of the same year, any balance of money in his hands belonging to the State, and to deposit in the office of the Adjutant General all books, papers and property in his possession belonging to the State or connected with the pay department. This direction was strictly complied with by Major Fisher at the time designated, and a copy of his report to the State Treasurer for final settlement of his accounts as Paymaster of the Indiana Legion was communicated to me. Supposing that this

report should, as an item in the financial and military history of the State, be printed either in the Documentary Journal, or in some other form, the same is herewith respectfully submitted.

STATE PRISONS.

The reports of the Beards of Directors of both the State Prisons show that the finances of these institutions are in a satisfactory condition, and that there has been a great improvement in this respect within the last two years.

The subject of prisons and prison discipline is one of great importance, and is attracting increased attention throughout the country. It will not be many years before the State will require additional prison accommodations, and in anticipation of that event I desire to call attention to the propriety and necessity of providing a system of graded prisons. The man who is convicted of the first offense of which he has been guilty, especially if he be a young man, ought not to be confined with and put under the influence and tuition of professional criminals whose entire lives have been hardened by crime.

There should, when increased prison accommodations are required, be established an intermediate prison, between the House of Refuge and the present State Prisons, to which the more youthful and less hardened offenders should be sent, and where reformatory influences would be exerted over the prisoners to a much greater extent than is possible in our existing penitentiaries. Under such a system, and with power lodged somewhere to transfer incorrigible prisoners from the intermediate prison to the penitentiaries, and with authority also to transfer prisoners who, by their good conduct for a series of years, give evidence of reformation, from the penitentiary to the intermediate prison, we might hope more effectually to comply with that provision of the bill of rights which declares that the penal code shall be founded on the principles of reformation and not of vindictive justice. There is, however, a present and pressing necessity for a separate prison for female convicts. There are now some nineteen or twenty women incarcerated in the Southern Prison, to the great detriment of sound morality as well as the good government of the institution. Moral, sanitary and disciplinary considerations concur in demanding that these women, as speedily as possible, should be removed to a prison to be provided exclusively for their sex, and to be under the government of women. Their labor is, under existing circumstances, of no value to the State, and the cells now occupied by them will

soon be required for male convicts. Another want equally pressing, is that of a Reformatory institution for girls. It is impossible to receive girls in the House of Refuge at Plainfield without destroying its reformatory character, and converting it into a juvenile prison, I therefore urgently recommend that a separate prison for female convicts be established with the least practicable delay, and that there be connected with it on the same grounds and under the same direction and management, but in different buildings, a reformatory for girls. The number of female convicts, as compared with the other sex, is not large, so that an Institution of very moderate capacity would meet the necessities of the case, and the expense which would be occasioned by providing such an Institution would be abundantly compensated by the good which would be accomplished as well as by the evil that would be avoided. I have no sympathy with those who think that crime when committed by woman ought not to be punished; but only insist that the punishment should be adapted to the condition of the offender, and that the laws of common morality and decency ought not to be ignored in its infliction. The fact that it is so difficult to convict women of penitentiary offences, shows that the public sense of justice and propriety revolts at the idea of sending them to the State Prisons, and I know of only one other worse place to which a woman could be sent and that is to the County jail in any of the larger towns or cities of the State. I commend the subject to your careful consideration, with the expression of the hope that the result of your deliberations will show that the cause of these unfortunate women has not been presented in vain.

CRIMINAL LAW AND PRACTICE.

The barbarous and brutalizing practice of prize-fighting is becoming lamentably prevalent in this country, and our own State has not been entirely free from such disgraceful and demoralizing exhibitions.

Our penal code contains no adequate provisions, either preventive or punitive applicable to such cases. I therefore recommend that both of these omissions be supplied by proper legislation, providing upon proper affidavit for the arrest and holding to bail of those intending and preparing to engage in such contests; also, by making it a felony on the part of the principals and seconds who may engage in a prize fight, and a high misdemeanor on the part of those who, by their presence, may encourage the commission of the offence.

The 35th section of the act of June 10, 1852, entitled "An act

defining felonies and prescribing punishment therefor," should be amended. That section makes it forgery on the part of any justice of the peace to issue blank affidavits or certificates of acknowledgment signed by him with the intent that such blanks shall afterwards be filled up and used as affidavits or certificates of acknowledgment. It would be difficult to assign a good reason why this statute should be confined to justices of the peace, or why it should not extend to notaries and all other officers empowered to administer oaths or take and certify acknowledgments.

The section should also be enlarged so as to embrace within its scope other fraudulent acts of a similar character, not now provided for, viz: Issuing affidavits filled up and certified as having been sworn to, when, in point of fact, the person named in the affidavit as the affiant, never was sworn at all; also, issuing affidavits purporting to be subscribed and sworn to by persons therein named, when the pretended affiants are fictitious persons. It is said that frauds of the character just indicated, have been committed in issuing affidavits under the Registry Law of 1867. Whether this is true or not, it is manifest that they are as likely to occur as those guarded against by the section mentioned in its present shape.

The reputation of the State has been seriously injured since the last session of the General Assembly, in repeated instances, by the execution of prisoners, accused of crime, by mob violence. Within the time mentioned more than a dozen of persons have thus suffered death at the hands of organized bands of men, not acting under the impulse of momentary passion, occasioned by some outrage just discovered, but proceeding with a deliberate determination that evinced a purpose to permit no law, human or divine, to stand in the way of the accomplishment of their object. In all these cases the persons executed were taken by violence from the custody of the officers of the law by whom they were held for trial for offences with which they were charged. The pretext set up as an excuse for resorting to such violence is that the law is powerless to punish offences in certain districts, and that the officers of the law have proved to be unfaithful in the performance of their duties; and yet the men who assume to sit in judgment upon the law and its officers, and who enforce their own uncontrolled and irresponsible will as something above and superior to the laws of the State, do not hesitate to shoot down a sworn officer of the law, engaged in the faithful performance of his duty, when

such a murderous proceeding is necessary to the furtherance of their designs, or to prevent their discovery and prosecution.

Whenever I have been apprised by the local authorities of anticipated danger of this character, I have uniformly furnished arms to the officers having the custody of prisoners, to the end that they might be securely guarded until tried by the proper Court. The recent outrage at New Albany owed its success to the audacity of its perpetrators, and was not anticipated by the local authorities, or people of that city. Some time before these prisoners were confined in the prison in that city, and in anticipation of their delivery there for safe custody, I sent an agent to that place to ascertain and report as to their probable safety if they should be there delivered and imprisoned to await their trial. The result of the inquiries made assured me that no danger of violence was to be apprehended if they were delivered and imprisoned for trial at New Albany, and I so informed the Secretary of State of the United States, who had telegraphed me on the subject.

I respectfully submit to you whether suitable pecuniary rewards ought not to be authorized to be offered and paid for the discovery and arrest of those who were engaged in the perpetration of the recent terrible tragedy, and for the detection and arrest of all who may hereafter be engaged in similar acts.

It should also, in my judgment, be made a felony to join or be a member of any organization or association which has for its object the usurpation of the functions of the judiciary by condemning and punishing others for real or pretended offences. It is also worthy of consideration whether some legislation is not called for providing for the custody and safe keeping of prisoners accused of crime at points in the State distant from the scene of the commission of the alleged offences, where it is made to appear that there is reasonable grounds to apprehend mob violence, if confined for trial at or near the place where the offence is charged to have been committed.

I have long been satisfied that it would be wise to allow courts and juries a larger degree of discretion than they now possess in assessing the punishment, on a conviction, in a certain class, or perhaps classes of felonies. Especially is this true of the crime of larceny. The punishment for grand larceny can not, in the case of a male adult, be less than two years' confinement in the State prison. This, in some cases is an excessive punishment. In petit larceny the punishment may be as low as one year in the penitentiary, or for any de-

terminate period in the county jail. The distinction between grand and petit larceny is purely arbitrary, depending on the value of the property taken. If the value is five dollars, or upwards, the offence is grand larceny; if under five dollars it is petit larceny. The moral turpitude involved in a given case of grand larceny may be less than that pertaining to another of petit larceny; and yet the arbitrary distinction of value compels a sentence, upon conviction of grand larceny, for at least two years in the penitentiary, while as to petit larceny there is allowed the largest discretion. Such a discretion also exists in the punishment of the crime of perjury; and it is believed that no good reason can be assigned for denying it as to the offence of grand larceny, if, indeed, the distinction between grand and petit larceny should exist. I respectfully recommend that the distinction between grand and petit larceny be abolished, and that courts and juries be allowed a large discretion in assessing the punishment on conviction of larceny. Or if it is not thought best to do this, reduce the minimum punishment for grand larceny from two years to one year.

By our Constitution, white male persons of foreign birth, of the age of twenty-one years and upwards, who have resided in the United States one year, and six months in this State prior to an election, are electors, provided they have declared their intention to become citizens of the United States conformably to the laws of the United States on the subject of naturalization. By the acts of Congress this declaration may be made before the Clerk of any Court of Record of any State, such court having common law jurisdiction, and a seal and clerk or prothonotary. It has been represented to me that in some instances Clerks of Circuit Courts in this State have issued blank certificates of declarations of intention to become citizens, under the seal of the court, without, however, signing their names thereto, and then have entrusted these blanks to partisan friends, who were duly appointed deputy clerks, and these deputies, on the day of election appeared in the different townships and issued the certificates to such foreigners, of the proper political affiliations, as might appear before the deputy and take the oath of intention. I recommend that this public indecency be prohibited by proper penalties; and that it shall be made unlawful for any Clerk, either personally or by deputy, to take the declaration of any foreigner to become a citizen, or to issue a certificate thereof at any other place than the Clerk's office, or the Court House, when the Court is in session.

Our Bill of Rights requires that justice shall be administered speedily and without delay, and the public, as well as persons accused of crime, have a right to insist on the enforcement of this requirement. There is a growing conviction, however, not only with the mass of the people, but among many of our best lawyers and judges, that there are serious omissions and defects in our legislation in respect to the practice of the Courts in criminal prosecutions. The facility with which continuances and changes of venue can be obtained on false affidavits, with a view to delay merely, until the evidence relied upon by the State is no longer attainable, is begetting a distrust in the administration of the penal laws, and is made an excuse for a resort to summary punishment by mob violence, disgraceful to the State, and which, if tolerated, must ultimately become subversive of all law.

As the law now stands, as long as a defendant in a criminal prosecution will continue to make affidavits technically sufficient, however untruthful, the Court, although satisfied that no real grounds of delay exist, must grant the application or run the risk of a reversal of the case on appeal, upon the ground that the application was improperly refused. Under such a practice, the skill of the lawyer in preparing the affidavit, and not the truthfulness of the statements of the affiant, becomes the ground of judicial action.

I respectfully recommend that it be provided by proper legislation that whenever application is made for a continuance in a criminal case, founded on affidavit, setting forth as the basis of the application the absence of witnesses whose testimony is material to the defense, that the Court may of its own motion, or at the instance of the Prosecutor, to test the merits of the application, require the accused to submit to an oral cross examination in open Court as to the matters set forth in the affidavit as the grounds of the continuance; and also providing that if the accused declines to submit to such cross-examination, the Court shall refuse the application. I would also provide that the Court may, in its discretion receive counter affidavits or oral testimony tending to disprove the statements relied on as the grounds of continuance, and that no judgement of conviction shall be reversed because of a refusal to grant a continuance, unless the refusal, upon all the evidence adduced upon the question shall manifest a palpable abuse of discretion on the part of the lower Court. Also, that, when an affidavit is filed for a continuance on the ground of the absence of a witness, if the prosecutor will admit that the witness would, if present, swear to the material and relevant matters stated in the affidavit,

then such matters may be read as evidence from the affidavit on the trial, but the cause shall not be continued because of the absence of such witness. I further recommend that in such cases, it shall be made competent for the State to prove the bad reputation of the witness named in the affidavit just as if he had been personally examined as a witness on the trial.

I further recommend that provision be made by law that where an application is made for a change of venue on account of any objections the accused may make to the Judge of the Court, that some other Judge, or any disinterested attorney of the Court may be substituted to preside at the trial, to the end that no continuance of the cause may be occasioned by the granting of the application. The rule of practice introduced into the Code of 1852, which gives the defendant's counsel the right to make the concluding argument to the jury, is an innovation upon the well established principle that the party upon whom the burden of proof rests should be permitted to open and close the discussion. The practical operation of the rule is not believed to be conducive to the ends of justice. When it is considered that our Prosecuting and District Attorneys are so inadequately compensated, and are therefore not generally men of the largest experience, and that the defendant if he be possessed of means can always secure in his defense the best talents and ripest experience of the profession, it seems to be clear that the State should not be placed under disadvantages in relation to the conduct of the argument of causes which are not imposed upon other litigants. I therefore recommend that the rule of practice above alluded to be abrogated, and that the practice as it stood prior to the adoption of the Code of 1852 be restored.

COURTS.

The organization and jurisdiction of the courts, is a subject which should receive your careful consideration. In the larger counties, the criminal prosecutions occupy so much of the time of the courts that it almost amounts to a denial of justice to litigants in civil cases. This was to some extent relieved in the four most populous counties of the State, by the establishment of a Criminal Circuit Court in each of those counties. Even with this relief, however, in Marion county, the civil dockets of the courts are so crowded with business that the delay necessarily occasioned in the trial of causes is very injurious to public and private interests. Under the legislation for the establishment of Criminal Circuit Courts, such courts can only exist in counties having

at least seven thousand voters. There are counties in this State not having this number of voters, in which there is a pressing necessity that the Circuit Courts should be relieved of Criminal cases, in order to enable them to transact the civil business. It has been a question with the legal profession whether the Criminal Circuit courts now existing, are Circuit Courts such as the Constitution requires to be established in each county, or inferior Courts, such as the Legislature may in its discretion provide; or whether they have a constitutional existence at all. The Supreme Court has sanctioned the legality of their existence without deciding to which class they belong, Motives of public policy so strongly pointed to the necessity of sustaining the legal existence of these courts that it may be that the Supreme Court trusted that the General Assembly would disembarass the subject by future legislation. In my opinion, a judicial circuit is under the Constitution, as much a territorial subdivision of the State as is a county; and that, it is as impossible, constitutionally, to have one judicial circuit within the boundaries of another, as it would be to organize one county within another.

If this be so, the Criminal Circuit Courts are not Circuit Courts within the meaning of those terms as employed in the Constitution, but can only be sustained as belonging to the class of inferior courts which the Legislature may establish at its discretion. But if these courts are inferior, and not Circuit Courts, the terms of the judges can not, according to the Constitution exceed four years. The law, however, establishing the Criminal Circuit Courts does not prescribe the terms of the judges thereof, but assumes that they are Circuit Judges, and therefore entitled to hold for the constitutional term of four years. A matter of so much importance ought not to depend upon legislation as to the constitutionality of which there is any doubt. I therefore recommend that the law be so changed as to make these courts inferior courts for the counties for which they are provided, and prescribing four years as the official term of the judges; and providing for their establishment in other counties where the population and business require that the Circuit Courts should be relieved of their criminal jurisdiction. The time will soon come, if it has not already arrived, when the public interest will demand a remodeling of our judicial system. The wisdom of having two courts in each county, whose jurisdiction is so nearly concurrent as is that of the Circuit Court and the Court of Common Pleas, and whose terms it is so difficult to arrange without a conflict, and without inconvenience to the bar, is more

than doubtful. If we desire to increase the efficiency of our judiciary, we must have fewer Courts possessing so nearly the same jurisdiction; and must better remunerate our judges. With Courts of exclusive criminal jurisdiction in our more populous counties, a diminution of the size of our judicial circuits, and a corresponding increase of their number, and an increase in the terms of the circuit courts: and with a proper division of the probate business between the clerks in vacation and the Circuit Courts, and the Court of Common Pleas, the State could afford to pay the Circuit Judges a more adequate compensation.

The increased and increasing amount of business in the Supreme Court, suggests the necessity of some legislation that will relieve that tribunal of a portion of the cases that will soon crowd its docket, and discourage all efforts to dispose of appeals within a reasonable time after their submission.

As the jurisdiction of that Court is now regulated by law, either party to an action may appeal from any final judgment of the Circuit or Common Pleas Courts, except in actions originating before a Justice of the Peace or Mayor of a city, where the amount in controversy, exclusive of interest and costs, does not exceed ten dollars. In my opinion the time of the Supreme Court ought not to be occupied in trying cases where the amount involved can not, in the event of the success of the appellant, justify the expense of the litigation. I therefore recommend that the appellate jurisdiction of the Supreme Court be limited to cases where the amount in controversy is one hundred dollars or upwards.

I also commend to your serious consideration the propriety of increasing the compensation allowed to the Judges of that Court. It is not creditable to the State that our highest judicial officers should receive less for their services than is allowed to many county officers whose duties are purely administrative or ministerial, and for the performance of which no previous professional training is necessary. A cheap judiciary will in the long run prove to be more expensive to the public than one that is adequately paid.

AGRICULTURE.

The report of the State Board of Agriculture for the years 1867 and 1868, will be laid before you. It is believed that this board is doing much to promote the agricultural interests of the State, upon which all other interests so largely depend. At present there is no

means of collecting and disseminating statistical information as to the agricultural, manufacturing and mechanical products of the State. If we desire to compete with other States in attracting capital and inviting immigration, some means must be used to make known what we have already accomplished and the vast resources of our State which still remain to be developed. A statistical department might be connected with the State Board of Agriculture or with the office of the Secretary of State, and it is believed that the small outlay which this would occasion would soon be repaid by the increase of population and capital which would ensue. Our large coal and iron interests are almost unknown beyond the borders of the State, and even our own people have no adequate idea of the extent of these interests. No State has greater opportunities and capabilities than our own for multiplying and diversifying her industrial productions. If we shall do our duty in advertising our resources so as to attract manufacturing capital to our borders we will soon have a home market for our agricultural productions, instead of being compelled to pay high rates of transportation to carry them to distant markets. As a means to this end, a thorough and scientific geological survey of the State would seem to be a necessity. Such a survey has been repeatedly recommended by my predecessors, and I now repeat the recommendation, feeling assured that parsimony in this respect is the very reverse of true economy. It is also believed that a small annual expenditure, for the purpose of attracting immigration to the State, if judiciously disbursed, would soon be repaid by the increase of taxable persons and property which would result therefrom. By the act of March 5, 1859, the Governor was directed to select a convenient room in the Capitol, or in any other building that may be erected by the State, if a suitable one can be found, and if not, to hire one suitable for the deposit and safe-keeping of such minerals, soils, ores, fossils, maps, sketches, &c., as may be collected or made by the State Board of Agriculture, which room shall be placed under the control of said Board. At the commencement of the War, the room which had been assigned to the Board under this act, was taken for military purposes, and the geological cabinet of the Board was deposited in the cellar of the State House, and their cases in which specimens, &c., were kept, were taken for other purposes. In January, 1868, after the old Supreme Court room was vacated, I assigned that room to the State Board of Agriculture, and the Board requested me to have the room fitted up and suitable cases supplied for their cabinet. I replied that there was no

appropriation at my disposal which could be properly applied to that purpose, and requested the Board to procure the necessary cases, furniture and fixtures upon the assurance that I would recommend to the General Assembly that an appropriation be made to cover the necessary expenses thus incurred. The Board will inform the Financial Committees of the amount thus expended, and I trust that an appropriation will be made to reimburse the amount thus expended.

EDUCATION.

The common school system of the State is gradually but steadily improving and becoming more thorough and efficient in the great work of educating our children and youth. The increased and increasing pride which the educators of the State manifest in the noble profession to which they have devoted themselves is worthy of the highest commendation. Indeed, I know of no class of our people who devote so much time and means to the elevation of their profession as the one to which allusion has just been made. If these efforts shall be properly appreciated and encouraged, the time will come when the education of the young will not be entrusted to those who resort to teaching as a temporary expedient to enable them to prepare for the duties of some other vocation more congenial to their tastes; but our schools will be presided over by trained teachers who love the profession of their choice, and who are anxious to excel in the performance of its duties.

It is much to be desired that the time during which the schools are in operation in the rural districts should be prolonged, but it may well be doubted whether it would be wise at this time to resort to an increase of the State tax for school purposes to accomplish that object.

By the act of March 9th, 1867, it is provided that the Trustees of Civil Townships, the Trustees of incorporated Towns and the Common Councils of Cities, may levy annually a tax not exceeding twenty-five cents on each one hundred dollars of taxable property, and twenty-five cents on each poll, to be expended within the jurisdiction assessing the same, in the same manner as funds arising from taxation for common school purposes are required to be expended. As a similar enactment had, in 1854, been declared unconstitutional by the Supreme Court, it was reasonable to suppose that the constitutionality of the act of 1867 would be tested in the judicial tribunals of the State. Such, however, as far as I am informed has not been the re-

sult, but, on the contrary, in every locality where the tax has been levied the people seem to have acquiesced in the law under which it was imposed as a constitutional exercise of the taxing power. If this acquiescence shall continue, or if in the event of the constitutionality of the law being questioned, the Courts shall sustain it, the interests of common school education will probably be better subserved by the aid thus given than by an increase of the State tax for school purposes.

When the people of a township, or of an incorporated town or city are taxed for the support of the schools of their own immediate vicinity, it is believed that they will take a deeper interest in their improvement and efficiency than under a system which teaches them to look entirely to the State for the means of education.

The act of 1867 is, however, defective in this, it makes no provision for any return either to the Superintendent of Public Instruction or to the Auditor of State, showing the extent to which this power of local taxation may be invoked by the townships and incorporated towns and cities of the State. So far as the civil townships are concerned, if a school tax is assessed under this act, the amount assessed in each will be included in the aggregate of the taxes of the township returned through the County Auditor to the Auditor of State, but there will be nothing to show whether any portion of that aggregate consisted of taxes levied to support schools in the township or not.

As to incorporated towns and cities, no return whatever is provided for. I therefore recommend that provision be made that every township, town or city which may exercise the power of taxation conferred by the act, shall make a return through the Auditor of the county either to the Auditor of State or to the Superintendent of Public Instruction, of the amount so levied and the date of the levy. Provision should also be made by which the Superintendent may be properly informed of the practical results of the tax in every jurisdiction in which it may be levied in prolonging the term of instruction therein.

In the cities and larger towns of the State the office of School Trustee has become one of great and increasing importance, as well on account of the pecuniary as the educational interests involved. By the 5th section of the School Law of March 6th, 1865, it is enacted that the Common Council of each incorporated city, and the Board of Trustees of each incorporated town of this State, shall, at the first

regular meeting in the month of April of each year, and biennially thereafter, elect three School Trustees.

It would be a much better arrangement if the section was so amended as to require the election to take place at the first meeting (or as soon thereafter as practicable) of the new Council or Board which may be elected at the respective town and city elections in the spring of each year.

A large majority of the towns and cities of the State are now incorporated under the general laws in force on those subjects, and under these laws the town and city elections occur in the month of May, so that the retiring Councils or Boards instead of those newly elected appoint the School Trustees. A few towns and cities still exercise their corporate powers under special charters, passed before the adoption of the present Constitution, and the days on which their elections occur are not uniform, but all of them are believed to be in April or May. By the amendment proposed, the law would operate alike as to all towns and cities, no matter under what law incorporated, by giving to the newly elected Council or Board of Trustees the appointment of the School Trustees for the current year. The section should in my opinion be further amended so as to provide that at the first election of School Trustees which shall take place after the adoption of the amendment, one shall be chosen for one, another for two, and the third for three years; and that annually thereafter, one Trustee shall be elected, to the end that a degree of experience in the educational affairs of the town or city may be always secured commensurate with the important interests entrusted to the Board of School Trustees.

I herewith respectfully submit the biennial report of the Board of Trustees of the State Normal School. From an inspection of this report it will be seen that a large appropriation will be required to complete and furnish the edifice now in course of construction. It is believed, however, that the benefits which will accrue to the cause of education from the establishment of the Institution will ultimately vindicate the wisdom of the appropriations large as they may appear.

In October last, the late efficient Superintendent of Public Instruction, Professor George W. Hoss, to whose zeal and fidelity the educational interests of the State are so largely indebted, resigned his office, to take effect on the 17th of that month; and a few days thereafter, I appointed the present incumbent, Professor Barnabas C. Hobbs, whose report will be laid before you, and to which I respectfully refer

you for information in detail containing the various matters appropriate to his department of the public service.

EDUCATION OF COLORED CHILDREN.

It is time that the illiberal policy heretofore pursued toward the colored people of the State in reference to the education of their children should be abandoned. It will be seen by the report of the Superintendent of Public Instruction that, by correspondence with the officials of other States, he has collected information which will enable you to institute a comparison between our legislation and that of our sister States on this subject. This comparison will show that, with the single exception of one other State, Indiana stands alone in her adherence to this unwise, unjust and exclusive policy.

If there were no higher motives to urge us to do justice in this regard, the letter and spirit of our own Constitution would seem to make the path of duty so plain that none need err therein. The Constitution declares that "Knowledge and learning, generally diffused throughout a community, being essential to the preservation of free Government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law, *for a general and uniform system of common schools wherein tuition shall be without charge and equally open to all.*"

If a small tax is assessed by a township to prolong the school term, grave doubts are entertained as to whether the generality and uniformity of the system is not threatened with destruction; but this plain, unambiguous phraseology, which leaves no room for construction, can be ignored with impunity because prejudice so decrees. It is true that a proviso to the first section of the school law of 1865 exempts colored persons from the State tax therein assessed for the support of common schools; but they are taxed for the building of school houses for our children. The exemption in the proviso above alluded to is as clearly in contravention of the Constitution as is the exclusion of colored persons from the educational advantages intended for all.

On the subject of taxation the Constitution is very explicit. It declares "that the General Assembly *shall* provide by law for a uniform and equal rate of assessment and taxation, and *shall* prescribe such regulations as shall secure a just valuation for taxation of ALL PROPERTY both real and personal *excepting such only for municipal, educational, literary, scientific, religious or charitable purposes as may be*

specifically exempt by law. The property of the colored people does not come within this exception, and the General Assembly has no power to enlarge the exemption. It is a question of justice, and of complying with the requirements of our own Constitution, and I trust it will be fairly met, and decided in favor of justice and of the observance of the Constitution.

The precise manner in which the colored people shall be secured in their educational rights, is a question of minor importance, and one on which we can derive assistance from the experience of other States, in which the question has arisen and been settled.

AGRICULTURAL COLLEGE.

On the 9th day of April, 1867, the land scrip which had been issued by the Secretary of the Interior to this State, under the Act of Congress of July 2d, 1862, entitled, "An Act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," was disposed of by the Treasurer of the Board of Trustees of the Indiana Agricultural College under the direction of said Board, in pursuance of the requirements of the fifth section of the Act of the General Assembly accepting the grant, approved March 6, 1865.

The Board of Trustees advertised for sealed proposals for the purchase of the scrip in such quantities or parcels as seemed most likely to secure competition. Quite a number of bids were received, and the scrip was sold in five several parcels to the highest bidders, and embraced three hundred and ninety thousand acres of land. The aggregate of all the sales was two hundred and twelve thousand, two hundred and thirty-eight dollars, and fifty cents, or about fifty-four and a half cents for each acre of land represented by the scrip. The entire proceeds of the scrip was, as soon as practicable after the sale, invested in the five-twenty bonds of the United States. Since the making of this investment, interest has been collected by the Treasurer of the Board on these bonds to the amount of \$20,725 40, which, with the exception of \$1,748 90 cash in the hands of the Treasurer, has been invested in like manner. The par value of the bonds held by the trust is \$215,000. The market value at this time is estimated at \$236,500, and if to this last named sum is added the cash in hands of the Treasurer, viz: \$1,748 90, the entire fund is now of the value of \$238,248 90. I respectfully submit a copy of the report of the Treasurer of the Board, to which you are referred for further infor-

mation in relation to the sale of the scrip and the investment of the proceeds.

The original Act of Congress by which the donation was made, requires any State accepting the benefits of its provisions, to provide at least one college such as is described in the Act within five years from the passage of the Act, or in default thereof, the grant shall be forfeited, and the State shall be bound to pay to the United States the proceeds of the land or scrip received.

By a subsequent Act of Congress, approved July 23d, 1866, the time within which the States accepting the grant were required to establish colleges was extended for five years from the last named date. The time limited by this extension will expire in 1871, and hence it is important that some definite action should be taken on the subject by the General Assembly at its present session.

By the terms of the grant the fund is to remain undiminished forever, and the interest must be inviolably appropriated to the endowment, support and maintenance of at least one College, "where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to Agriculture and the Mechanic arts, in such manner as the Legislature may prescribe in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

By a subsequent section of the act of Congress an exception is made which allows a sum, not exceeding ten per centum of the fund, to be expended in the purchase of land for sites or experimental farms whenever authorized by the Legislature of the State; but this is coupled with an inhibition against the appropriation of any part of the fund to the purchase, erection or repair of any building or buildings.

To establish a College such as is described in the act of Congress would involve such a draft upon the State Treasury as I could not recommend at this time if it can be avoided.

Agricultural Colleges are as yet but experiments in this country, and it would be of great advantage to us if some arrangement could be made whereby action can be delayed until we can avail ourselves of the experience of other States now engaged in the establishment of such institutions. My own opinion is, that Congress should be memorialized to pass an act or joint resolution, permitting the State to apply the annual income of this fund to the support of Common Schools, until such time as the State is prepared, in justice to other

claims upon her resources, to provide the College contemplated by the grant. Or if this is not deemed advisable, to permit the State to add the annual income of the fund to the principal, by investing it in Government stocks until such time as the required College may be established. At former sessions of the General Assembly, three distinct plans of executing the trust were discussed. The first of these proposed making the College a Branch or Department of the State University. The second contemplated the establishment of a separate and independent Institution. The third suggested the division of the annual income of the fund equally among the State University and two, three or more, of the denominational Colleges and Universities in the State, upon the condition that each of the Institutions so favored should provide one or more professorships devoted to instruction in such branches as the act of Congress requires.

The proposition last named would, to my mind, be so plain a departure from the spirit and intention of the grant, and would, on other grounds, be of such doubtful expediency that I could not recommend its adoption. Should the General Assembly be of the same opinion, and also be averse to applying to Congress for permission to apply the income to the support of common schools, or to add it to the principal until such time as the State might be prepared to establish the College, the remaining choice would be between establishing a new institution and providing a College in connection with and as a branch of the State University.

The establishment of a new College, creditable to the State, would, I suppose, involve a draft upon the Treasury of the State to an amount nearly if not quite equal to the amount of the fund received from the General Government. But for this severe draft upon the Treasury, and the doubt which exists whether such institutions can be made useful to any considerable extent, I should prefer the establishment of a new institution to the plan of attaching the College to the University.

In view, however, of the fact that we are now engaged in the payment of the State debt, and in view of the large and urgent demands of institutions already established and, remembering that under existing circumstances, and in anticipation of possible contingencies, the public burdens ought to be diminished rather than increased, my own opinion is that it would be unwise at this time to make such appropriations as the establishment of a new College would involve. I suppose that an agricultural and mechanical department of instruction,

such as would save the grant from forfeiture, might be established in connection with the State University at a comparatively small expense to the Treasury. If this is done the legislation should, in my judgment, be so shaped as to exclude the idea that the General Assembly might not, at some future time, if it should think proper to do so, make a different disposition of the fund. In other words, to prevent any pretext for a charge of bad faith, the right should be expressly reserved, to provide a new and independent Agricultural College, and to apply the income of the fund to its support, if experience should, in the opinion of the General Assembly, render such action expedient or proper.

I can, however, see no reason to fear the success of an application to Congress for permission to apply the income of the fund to the support of the common schools; and experience has not yet proved that such an appropriation of the trust would not better tend "to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life," than the establishment of an Agricultural and Mechanical College.

CONCLUSION.

Having thus performed what I conceive to be my duty in presenting to you information touching the condition of the State, and in recommending such measures as would in my opinion be promotive of its welfare, allow me to assure you of my sincere desire cordially to co-operate with you in all your efforts to advance the prosperity of the State and the happiness of its people, and to express the hope that your councils may be harmonious, and that your labors may result in lasting benefits and blessings to your constituents.

CONRAD BAKER.

Whereupon the President announced that the business for which the joint convention had met being concluded, it was adjourned, and the Senate retired to their chamber.

Mr. Sleeth offered the following resolution:

Resolved, That when this House adjourns it be until next Monday at 2 o'clock P. M.

Which was agreed to.

Mr. Shoaff offered the following resolution :

Resolved, That the Senate be invited to attend in this hall on Monday, the 11th day of January, at 3 o'clock P. M., for the purpose of opening and publishing the returns of the election for Governor and Lieut. Governor.

Which was not agreed to.

Mr. Cory moved that the House do now adjourn.

Which was not agreed to.

Mr. Vater offered the following amendment :

Resolved, That each member be allowed \$40 for stamps and stationery.

Which was decided by the Speaker to be out of order.

On motion by Mr. Coffroth, the House adjourned.

MONDAY AFTERNOON, 2 P. M. }
January 11, 1869. }

House met pursuant to adjournment.

Mr. Buskirk moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journals of Thursday and Friday were read, corrected, and approved.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of the report of the committee on the number of employees, the report was taken up and read as follows, to-wit:

MR. SPEAKER:

Your committee to whom was referred the question of the number of employees to be appointed by the elective officers of this House, have had the same under consideration, and beg leave to make the following report:

From all the information obtained by a conference of the committee, elective officers, and a portion of the officers of the last House of Representatives, your committee are in favor of allowing the appointment of the following number of officers:

To the Hon. A. P. Stanton, Speaker, four floor pages, one speaker page, and one speakers' clerk.

To Wm. M. Merwin, Principal Clerk, one page, one reading clerk, one registry clerk, one file clerk, four engrossing clerks, and two enrolling clerks.

To John O. Hardesty, Assistant Clerk, one minute clerk, and six journal clerks.

To Thos. C. McConn, Doorkeeper, three assistant doorkeepers, one keeper of cloak room, one announcing messenger, one mail carrier, two fireman, two water carriers, one sweeper, one spittoon cleaner, one privy cleaner, one postmaster, one assistant postmaster, and four paper folders and carriers.

Mr. Cory offered the following amendment: "strike out so much of the report as provides for four folding clerks, and insert two."

Mr. Hamilton moved to lay the amendment on the table.

Messrs. Williams of Knox, and Tebbs, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Beeler, Breckinridge, Dunn, Fairchild, Hamilton, Skidmore, Smith, Stewart of Rush, Underwood, Wildman, and Mr. Speaker—13.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Bates, Bobo, Bowen, Britton, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis, Dittemore, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbec, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kerchival, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFaddin, McGregor, Millekan, Miles, Miner, Mitchell, Mock, Monroe, Neff, Osborn, Overmyer, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Sunman, Tebbs, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, and Zollers—80.

So the amendment was not laid on the table.

Mr. Vater offered the following amendment to the amendment: "strike out two, and insert one."

Which was agreed to.

Mr. Vater moved to postpone the further consideration of the report of the committee, until two o'clock to-morrow.

Which was agreed to.

The Speaker announced the following select committee on House bill No. 2 :

Messrs. Cory of Franklin, Williams of Union and Fayette, Stewart of Rush, Sleith of Shelby, Gilham of Decatur, and Tebbs of Dearborn.

Also, the following select committee on House bill No. 1 :

Messrs. J. R. Coffroth of Huntington, Bobo of Adams and Wells, and Zollars of Allen.

Mr. Buskirk offered the following resolution :

Resolved, That the Senate be invited to meet in the hall of the House of Representatives, instantler, to witness the count of the votes for Governor and Lieut. Governor, and that seats be provided for them on the right of the Speaker's chair.

Which was agreed to.

The Senate then, in pursuance of the invitation of the House, came into the Hall of the House, preceded by the President of the Senate, when the joint session was called to order by the President of the Senate.

The President then said :

GENTLEMEN:—We have assembled in Joint Convention, under the provisions of section 4, article 5, of the Constitution of the State of Indiana, which reads as follows :

SECTION 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom they vote as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of Government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the General Assembly.

The Speaker of the House of Representatives will now proceed to open and publish the returns for the election of Governor and Lieutenant Governor of the State of Indiana.

The Speaker of the House of Representatives then, in presence of both Houses of the General Assembly, proceeded to open the returns.

The official vote of Indiana for Governor and Lieutenant Governor, cast at the October election, 1868, as corrected and compared in the House of Representatives by the General Assembly on the 11th day of January, A. D., 1869.

COUNTIES.	Baker.	Hendricks.	Cumback.	Edgerton.
Allen.....	2836	5515	2831	5499
Adams	647	1899	647	1397
Bartholomew	2007	2599	2011	2599
Benton.....	526	430	529	427
Blackford.....	572	678	574	678
Boone.....	2578	2405	2579	2398
Brown.....	427	1084	429	1082
Carroll.....	1831	1848	1833	1848
Cass.....	2358	2737	2365	2731
Clarke	1853	3144	1852	3145
Clay	1690	1960	1683	1951
Clinton.....	1802	1810	1803	1811
Crawford.....	983	1012	984	1012
Daviess	1625	1752	1626	1753
Dearborn.....	2183	3072	2185	3071
Decatur.....	2225	1986	2199	1984
DeKalb	1705	1768	1709	1764
Delaware	2647	1117	2647	1115
Elkhart	2894	2729	2898	2726
Fayette.....	1473	1178	1476	1176
Floyd.....	1545	2717	1547	2712
Fountain.....	1811	2045	1809	2044
Franklin	1561	2823	1563	2820
Fulton	1256	1436	1256	1435
Gibson	1901	1867	1901	1864
Grant	2049	1607	2048	1612
Greene	1995	1965	1992	1963
Hamilton	2958	1413	2965	1409
Hancock	1401	1741	1406	1735
Harrison	1706	2213	1708	2210
Hendricks...	2853	1500	2872	1495
Henry	3373	1516	3379	1512

THE OFFICIAL VOTE—Continued.

COUNTIES.	Baker.	Hendricks.	Cumback.	Edgerton.
Howard	1988	1185	1991	1180
Huntington	2079	2064	2081	2062
Jackson	1388	2338	1389	2333
Jasper.	753	411	752	410
Jay	1543	1494	1544	1493
Jefferson.....	2767	2390	2769	2384
Jennings	1812	1473	1809	1468
Johnson	1671	2155	1672	2155
Knox	1737	2354	1715	2354
Kosciusko	2608	1905	2608	1905
Lagrange	1865	1093	1864	1093
Lake	1394	850	1395	850
Laporte	2899	2861	2906	2857
Lawrence.....	1752	1529	1759	1522
Madison.....	1932	2778	1934	2777
Marion	6569	5894	6572	5878
Marshall.	1914	2395	1918	2391
Martin	837	1182	835	1180
Miami.	2154	2353	2156	2348
Monroe	1484	1402	1484	1402
Montgomery... ..	2613	2692	2617	2688
Morgan.....	2000	1539	2003	1538
Newton.....	565	395	564	395
Noble	2362	2164	2365	2160
Ohio	599	492	600	490
Owen	1409	1953	1410	1953
Orange	1288	1379	1290	1374
Parke.....	2324	1364	2322	1362
Putnam ..	2175	2521	2182	2514
Perry	1306	1540	1306	1538
Pike	1387	1380	1386	1382
Porter	1794	1342	1794	1335
Posey.....	1889	2157	1900	2153
Pulaski.....	632	912	635	911
Randolph	2999	1506	3016	1491
Ripley.	2064	2235	2062	2231
Rush	2123	2019	2119	2019
Scott	685	911	684	912
Shelby	2097	2657	2099	2654
Spencer	1943	1872	1949	1871
Starke.....	308	370	309	370

THE OFFICIAL VOTE—Continued.

COUNTIES.	Baker.	Hendricks.	Cumback.	Edgerton.
St. Joseph	2920	2229	2915	2233
Steuben	1766	823	1768	823
Sullivan	1269	2443	1268	2444
Switzerland	1429	1258	1427	1260
Tippecanoe	3827	3411	3835	3404
Tipton	971	1296	973	1295
Union	899	681	899	680
Vanderburg.....	3273	3327	3279	3318
Vermillion ..	1214	854	1215	854
Vigo	3323	3177	3348	3170
Wabash.....	2829	1591	2831	1587
Warren	1463	852	1462	854
Warrick	1562	1888	1564	1889
Washington	1603	2015	1604	2013
Wayne	4284	2080	4285	2077
Wells	1047	1467	1049	1465
White.....	1104	1098	1104	1097
Whitley ..	1334	1636	1336	1635
Dubois	479	1916	478	1914
Total.....	171,575	170,614	171,711	170,373

When it appeared that Conrad Baker had received 171,575 votes, and T. A. Hendricks had received 170,614 votes.

Conrad Baker having received a majority of all the votes cast, was, by the President of the Senate, in the presence of both Houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years, from and after the second Monday in January, A. D., 1869.

For the office of Lieutenant Governor, it appeared, from the returns aforesaid: Will Cumback received 171,711 votes; Alfred P. Edgerton received 170,373 votes.

Will Cumback having received a majority of all the votes cast, was by the Speaker of the House of Representatives, in presence

of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana, for the term of four years, from and after the second Monday in January, A. D., 1869.

Mr. Buskirk offered the following resolution :

Resolved, That a Committee of three, on the part of the House, and two, upon the part of the Senate, to be appointed to wait on His Excellency Conrad Baker, Governor elect, of the State of Indiana, and upon Hon. Will Cumbback, Lieutenant Governor elect, and inform them of their election to said offices respectfully.

Which was agreed to.

The following Committee was announced by Mr. Cravens, President of the Senate.

For the House : Messrs. Buskirk, Dunn and Coffroth.

And for the Senate : Messrs. Wolcott and Gifford.

The Governor and Lieutenant Governor elect, then appeared in the Hall of the House of Representatives and were sworn into office by the Hon. R. C. Gregory, one of the Judges of the Supreme Court.

His Excellency, Governor Conrad Baker, then delivered the following Inaugural Address :

Gentlemen of the Senate and House of Representatives :

Having so recently addressed you at length, touching the affairs of the State, nothing but a desire to conform to a custom which has always been observed on occasions like the present could induce me to detain you now even for a single moment. I desire, through you, to tender to the people of the State my grateful acknowledgments for the renewed confidence which it has been their pleasure to repose in me; and the oath which I have just taken in your presence, is the strongest assurance which I can offer to them and to you that I intend to support the Constitutions, State and National, and faithfully to perform my duty according to the measure of ability which God has given me. If, in endeavoring to do this, I shall commit errors, I indulge the hope that my fellow-citizens, and especially those who have known me longest and most inti-

mately, will attribute such errors to mistakes in judgment and not to intentional wrong-doing. My political opinions and associations in the past have not been equivocal, and it is not at all probable that they will be ambiguous in the future. They are the growth of years, and are, therefore, a part of myself. But whilst this is so, and acknowledging as I do that I am under obligations of gratitude to my political friends, which I can never repay, I do not forget that I am the servant of the public, and as such owe duties to the entire people of the State, which no party obligations can or ought to be permitted to control.

I desire to express my acknowledgments to those from whom I have so long and radically differed on political questions, for the generally kind and almost uniformly courteous personal treatment which I have received at their hands.

Endeavoring, therefore, to be to my party in everything which it has a right to exact, I shall always try to remember that there is a common brotherhood, and a common citizenship, whose claims are above all mere party consideration.

If my official and personal life shall be such that it can be truthfully said of me, when I am gone, he was an honest and a safe magistrate, this, in my judgment, will be a better inheritance for my children, than it would be to have either my cotemporaries or those who shall come after me, to say of me, he was a successful politician.

In conclusion, I can only promise that in my efforts to meet the just expectations of the people in the position to which I have been called, whatever may be accomplished by very moderate natural endowments, some experience, a fair share of industry, and a sincere desire to promote the welfare of our beloved State and the happiness of her people, shall be cheerfully done in humble reliance upon the Almighty Ruler and parent of all.

After the conclusion of the inaugural address of His Excellency the Governor, the President of the Senate introduced the Lieutenant Governor, Hon. Will Cumbach, who delivered the following address:

Senators and Gentlemen of the House of Representatives:

It is made the duty of the Lieutenant Governor by the Constitution of the State, to preside over the deliberation of the Senate.

Having a little experience as a presiding officer, I am fully aware of the difficulties pertaining to such a position, and I cannot therefore promise you that I will make no mistakes, or that my decisions will always be in accord with parliamentary law. I will promise you that I will try to be impartial, and will endeavor to do equal justice to all alike, and I will ask you to cover all my errors with the broad mantle of a generous charity. Let us all strive to make our official relations mutually agreeable.

From the able and elaborate message of his Excellency, the Governor, we are advised that there are many important interests that will claim the attention of the Legislature this session. Let us not shrink from our responsibilities, but with an eye, single, to the welfare of the people, and impressed with a solemn conviction of our duty to God and our constituents, let us keep our great and growing State in the front rank in all things that constitutes the true greatness and goodness of a State.

It is certainly a matter of congratulation that our State will soon be free from debt. Let us hope that all may be done by us, may hasten, and not hinder the early coming of that good time.

Hoping that all we may do, may meet the approbation of those who have committed their important trust to our hands. Let us at once enter upon the discharge of our duties.

The business for which the Joint Convention was convened having been concluded, the President of the Senate declared it adjourned.

Mr. Coffroth from the Select Committee on House bill No. 1, submitted the following report:

MR. SPEAKER:

The Select Committee to whom was referred House bill No. 1, "A bill to fix the time of holding the Courts in the 20th Judicial District," have had the same under consideration, and do now report the same back with following amendments:

Strike out all of section first after the enacting clause, and insert the following:

That the Common Pleas Courts in the Twentieth Judicial District, shall be held as follows:

In the county of Adams, on the second Mondays of January,

May and September in each year, and shall sit one week at each term, if the business thereof so long require it.

In the county of Wells, on the Mondays succeeding the Courts in the county of Adams, and shall sit two weeks at each term, if the business thereof so long require it.

In the county of Huntington, on the Mondays succeeding the Courts in the county of Wells, and shall sit three weeks at each term, if the business thereof so long require it.

And in the county of Allen, on the Mondays succeeding the Courts in the county of Huntington, and shall sit at each term so long as the business thereof require it ;

Provided however, That the Common Pleas Courts in the counties of Allen and Huntington, shall be held in the spring of the year 1869, as follows:

In the county of Allen, on the fourth Monday, of February, and shall sit three weeks, and in the county of Huntington, on the Monday succeeding the Courts in the county of Allen, and shall sit as long as the business thereof require it: and that thereafter the said Courts shall be held as first before enacted, and that when said bill is so amended, your Committee do recommend its passage.

Mr. Overmyer moved to refer the bill and amendments to the Committee on the Organization of Courts of Justice.

Which was not agreed to.

So the report was concurred in, the amendments adopted, and the bill passed to a second reading.

House bill No. 1. " A bill to fix the time of holding the courts in the Twentieth Judicial Circuit."

Was read a second time, and ordered to be engrossed, and passed to a third reading.

Mr. Wildman from the Special Committee on the Revision of the General Rules of the House, made the following report :

MR. SPEAKER:

Your Committee on the Revision of the Rules for the Government of this House, have had the same under consideration, and

H. J.—6.

beg leave to report, that they recommend the adoption of the Rules governing the last House of Representatives, without alteration, except Rule No. —, which shall be so amended as to provide for three additional committees, to-wit :

Committee on Roads, Committee on Statistics and Emigration, and Committee on Insurance Companies.

Said Committee further recommend that the Constitution of the State and the names of the Standing Committees of this House be printed with said Rules, and that four hundred copies of the same be printed for the use of the members.

Which, on motion, was concurred in.

Mr. Ruddell obtained leave and introduced House bill No. 4.
“ A bill to enable cities to aid in the construction of railroads.”

Which was read a first time, and referred to the Committee on Corporations.

Mr. Zollars by leave, introduced the following bill :

House bill No. 5. “ An act to amend the 103d section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,” approved June 17, 1852.

Read a first time, and by motion, was laid on the table

Mr. Pierce of Vigo, moved that the House adjourn.

Which was agreed to.

TUESDAY MORNING, 9 o'clock, }
January 12, 1869. }

The House met.

The Speaker announced the following Standing Committees:

ON WAYS AND MEANS.

Messrs. Buskirk, Ratliff, McFaddin, Kercheval, Breckinridge, Smith, and Sleeth.

ON THE JUDICIARY.

Messrs. Dunn, Gordon, Coffroth, Stephenson, Mitchell, Osborn, and Bobo.

ON ELECTIONS.

Messrs. Pierce of Vigo, Wildman, Neff, Chapman, Hamilton, Stewart of Ohio, and Zollers.

ON ORGANIZATION OF COURTS.

Messrs. Overmyer, Wilson, Welborn, Johnson of Parke, Johnson of Marshall, Ruddell, and Cory.

ON FEDERAL RELATIONS.

Messrs. Baker, Jump, Miles, Hutson, Chapman, Fuller, and Admire.

ON BANKS.

Messrs. Kercheval, Green, Bates, Davis, Williams of St. Joseph, Cave and Shoaff.

ON EDUCATION.

Messrs. Vater, Baker, Coffroth, Ratliff, Taber, Gilham, and Mock.

ON MILITARY AFFAIRS.

Messrs. Osborn, Pierce of Porter, Dittimore, Vater, Barnett, Vardeman, and Calvert.

ON FEES AND SALARIES.

Messrs. Gordon, Wilson, Zollers, Underwood, Mitchell, Shoaff, and McGregor.

ON CORPORATIONS.

Messrs. Chittenden, Dunn, Odell, Breckinridge, Davidson, Neff, and Cotton.

The Speaker laid before the House, the following communication from E. C. Hibben, Esq.:

INDIANAPOLIS, IND. }
January 11, 1869. }

HON. A. P. STANTON,

Speaker of the House of Representatives:

SIR:—At the regular session of the General Assembly of 1863 a Committee on “Arbitrary Arrests” was appointed by the action of the House of Representatives, and as the Secretary of that Committee I came into possession of the enclosed list of witnesses, with the mileage and number of days service of each. The list was mislaid until a few months since, when I found it among my papers. Some legislation has been had upon the subject as to some of the claimants, and I herewith submit the same for such action as may be necessary in justice to others. The pencil marks across the names indicate “sworn and examined.”

Which was read, and referred to the Committee on Claims.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Monroe offered a petition praying that the salaries of Real Estate Appraisers be advanced from one dollar and a half to three dollars per day.

Which was referred to the Committee on Fees and Salaries.

Mr. McFadin presented a petition from sundry citizens of Cass County, praying for the passage of a law offering a bounty for the destruction of foxes.

Which was referred to the Committee on Rights and Privileges.

Mr. Wildman offered a petition, praying that a suitable Prison for Women, to prevent the evils which necessarily arise under our present arrangements, as well as to insure the more certain conviction of female criminals, and a Girl's Reformatory, to which young girls arrested in a life of vice, can be legally sent, are greatly needed in this State, would respectfully request you to take the necessary steps for the erection of such institutions.

Which was read, and referred to the Committee on Prisons.

Mr. Bates presented a petition from J. M. Johnson and others, praying for the incorporation of the Benevolent Fund Society of the Indiana Annual Conference of the Church of the United Brethren in Christ.

Mr. Bates moved to refer to the Committee on Benevolent Institutions.

Mr. Vater moved to amend by substituting the Committee on Corporations.

Which was agreed to.

Mr. Palmer presented a petition from citizens of Clinton County, praying for amendments to the existing Gravel Road Law.

Which was read, and referred to the Committee on Roads.

Mr. Carnahan offered the following resolution :

Resolved, That there be printed five thousand copies of the Governor's Message, five hundred of which shall be with the accompanying documents, and one thousand of which shall be in the German language, and also five hundred under the direction of His Excellency the Governor, for his own use.

Mr. Stewart of Rush offered the following amendment :

Resolved, That there be printed, for the use of the House, twelve thousand copies of the Governor's Message, two thousand of the

same to be in the German language, and that the whole number be arranged *pro rata* to the members.

Mr. Ratliff offered the following amendment :

Resolved by the House of Representatives, (the Senate concurring,) that there be printed in pamphlet form ten thousand copies of the Governor's Message—two thousand in the German language, fifteen hundred to be delivered to the Governor, one-third of the remainder to the Doorkeeper of the Senate, and the remainder to the Doorkeeper of the House, for the use of the members of their respective Houses.

Mr. Carnahan moved to lay the amendments on the table.

Which was agreed to.

Mr. Ruddell offered the following amendment :

Be it resolved, (the Senate concurring therein,) That there be printed, in pamphlet form, 10,000 copies of the Governor's Message, of which 3,000 shall be printed in the German language. That 1,500 copies of said message shall be delivered to the Governor for his use, and that 3,000 copies of the same shall be delivered to the Doorkeeper of the Senate for the use of that body, and that the remainder be delivered to the Doorkeeper of the House for the use of the members thereof.

Mr. Cotton moved to lay the amendment on the table.

Which was agreed to.

Mr. Hamilton of Vigo offered the following amendment :

Resolved, That 10,000 copies of the Governor's Message, and 10,000 copies of the Governor's Inaugural Address, delivered to the General Assembly, be ordered to be printed ; 5,000 of each in English, and 3,000 of each in German, for the use of the House of Representatives, and 2,000 each for the use of the Governor.

Mr. Gordon moved to lay the amendment on the table.

Which was agreed to.

Mr. Welborn moved to lay the whole subject on the table, and make it the special order for 3 o'clock, P. M.

Which was not agreed to, and the resolution was informally passed over until this afternoon.

Mr. Dann offered the following resolution :

Resolved, That the Committee on the Organization of Courts be instructed to take under immediate consideration the following propositions :

1. The abolition of Common Pleas Courts.
2. The conferring of Surrogate powers upon the Clerks of the Circuit Courts.
3. The establishment of a system of Criminal Circuit Courts of this State.
4. That in case the said committee find it impracticable to increase the present number of Criminal Circuit Courts, that they take under consideration the establishing of an additional number of Circuit Courts, so as to give each county of this State three terms of said Court yearly ; and that said committee be authorized to report by bill or otherwise.

Which was agreed to.

Mr. Buskirk offered the following resolution :

Resolved, That a special committee of the House be appointed to confer with the State Librarian to procure rooms within the capitol for the use of the committees and clerks of the House, and if rooms for such purpose cannot be procured within said capitol, that said committee be instructed to procure said rooms at some other place adjacent to the State House.

Which was agreed to.

Mr. Wildman offered the following resolution :

Resolved, That so much of the Governor's message as relates to the death of Ex-Governor Joseph A. Wright, be referred to a Select Committee of seven.

Which on motion was agreed to.

Mr. Osborn offered the following resolution :

Resolved, That a Committee of seven be appointed by the Speaker, whose duty it shall be to investigate the conduct and management of the several railroads in the State, as to how far

they have complied or failed to comply with the laws governing them, and for the purpose of enabling such Committee to perform their labor satisfactorily, they are authorized to send for persons and papers, and will report their progress.

Mr. Williams of Knox, moved to refer the resolution to the Committee on Railroads.

Mr. Stewart of Ohio and Switzerland, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question now being on the motion to refer to the Committee on Railroads.

Mr. Williams of Knox and Odell, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Beeler, Bobo, Britton, Calvert, Cave, Coffroth, Cory, Cox, Dunn, Fuller, Ghormley, Gilham, Greene, Higbee, Hutchings, Hyatt, Johnson of Parke, Lawler, Logan, Long, Mason, McBride, Millekan, Mock, Odell, Peel, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Rush, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Zollers—42.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Bowen, Breckinridge, Buskirk, Cranahan, Chapman, Cotton, Cunningham, Davidson, Davis, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Hall, Hamilton, Higgins, Huston, Johnson of Montgomery, Johnson of St. Joseph, Jump, Cercheval. Lamborn, McDonald, McFadden, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stephenson, Stewart of Ohio, Sunman, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Union and Mr. Speaker—55.

So the motion was not agreed to.

The question being on the original resolution.
Which was agreed to.

Mr. Ruddell offered the following resolution :

WHEREAS, Certain charges have been preferred against certain officials connected with, and having charge of the Asylum for the Blind, by a number of the pupils thereof,

AND WHEREAS, a number of such pupils have been summarily dismissed from said Institution for having exercised their rights of petition for the redress of their grievances without a fair and impartial hearing as they do aver, therefore,

Resolved, That a Select Committee of five be appointed by the House, having full power to send for persons and papers, whose duty it shall be to investigate at once the causes of these charges, and report the result of their investigation as soon as practicable.

Which was agreed to.

Mr. Mitchell offered the following resolution :

Resolved, That the Special Committee on Railroads be required to report their doings to this Assembly on or before the third Monday in February, 1869.

Which, on motion, was adopted.

Mr. Dittmore offered the following resolution :

Resolved, That House bill No. 19, of last session, together with the Governor's objections thereto, be taken from the table, and one hundred copies of each be printed for the use of members of the House.

Which was agreed to.

Mr. Pierce of Porter, offered the following preamble and resolution :

WHEREAS, James Hutchings, a veteran of the war of 1812, and also of the Mexican war, and the late war for the suppression of the rebellion, is within the Hall; therefore,

Resolved. That we recognize the sacrifices and patriotism of our old soldiers, and desiring to show our respect and appreciation of their services, Mr. Hutchings is hereby invited to a seat within the bar of the House.

Which on motion was agreed to.

Mr. Chittenden offered the following resolution :

Resolved, That section 40 of the Rules of the House be so changed as to authorize the Speaker to appoint two Committees on Prisons, one North and one South.

Which on motion was laid on the table.

Mr. Zollers offered the following resolution :

Resolved, That House bill No. 5 be taken from the table and referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Overmyer offered the following resolution :

Resolved, That a Special Committee of three be appointed to take into consideration the subject of the "Morgan Raid Commission," appointed under a concurrent resolution of the last General Assembly, and the report of said Commission now in the hands of the Governor, together with all matters arising out of the Morgan Raid or pertaining thereto, and that the said Committee report to the House as soon as possible such measure or measures as may be deemed proper and expedient.

Mr. Pierce of Porter, moved to refer the resolution to the Committee on Claims.

Mr. Stewart moved to lay the resolution on the table.

Which was agreed to.

Mr. Barnett offered the following resolution :

Resolved, That a Standing Committee be appointed, to whom shall be referred all petitions in relation to the importation and keeping of Mexican and Texas cattle with the limits of this State.

Which on the ruling of the Chair was laid over under the rules.

Mr. Hamilton of Vigo, offered the following preamble and resolution :

WHEREAS, The Evening Mirror, a daily paper published in the city of Indianapolis, has repeatedly charged in its columns that the State Printer has charged the State for printing and material furnished, more than a fair and just price under the law for the same, therefore be it

Resolved, That a special committee of three (3) be appointed by the Speaker, to investigate the accounts of the State Printer, and that said committee be authorized to send for persons and papers.

Which on motion, was agreed to.

Mr. Buskirk offered the following resolution :

Resolved, That the Librarian be instructed to furnish a copy of Cushing's Manual to the Speaker of the House.

Which was agreed to.

Mr. Stephenson offered the following resolution :

Resolved, That the Auditor of State be requested to furnish to this House a list of the aggregate amount of fees reported to him, by the various county officers of this State, for the years 1866 and 1867.

Provided, That the fees accruing from Probate business to be reported in a separate column from all other fees, and that a copy of this resolution be presented to said Auditor.

Which was agreed to.

Mr. Neff obtained leave and introduced House bill No. 6, "A bill providing for the location, construction and use of lateral railroads, and for the assessment of damages occasioned by the location, construction and use of the same."

Which was read a first time, and referred to the Committee of the Judiciary.

Mr. Coffroth moved that so much of the Journal of Friday as refers to the amendment offered by Mr. Cory, to the report of the select committee, reducing the amount of stationery from \$50 to \$40, be corrected so as to read "not" agreed to.

Which was agreed to.

Mr. Carnahan offered the following resolution :

Resolved, That the vote on the last clause of the report of the Committee on Stationery and Postage Stamps, be reconsidered.

Which was declared out of order, by the Speaker.

Mr. Coffroth introduced

House bill No. 7. A bill to authorize foreign guardians to take possession of, sue for, or receipt for, any personal property or assets of their wards in this State.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Long of Jackson, introduced

House bill No. 8. A bill authorizing appraisers of real estate to appoint their deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and repealing all laws or parts of laws in contravention of the provisions of this bill.

Mr. Long moved to suspend the constitutional rule requiring bills to be read on three several days; and that said bill be read a second time now, by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Brickinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Park, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFaden, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, O'Dell, Osborn, Overmeyer, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratcliff, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—95.

Those who voted in the negative were,

None.

So the constitutional rule was suspended, and

House bill No. 8 was read a second time by its title, and

On motion by Mr. Stewart of Rush,
Was referred to the Committee on the Judiciary.

Mr. Bobo asked and obtained leave of absence for Mr. McBride,
for one week.

Mr. Barritt moved that the House do now adjourn.

Which was agreed to.

TUESDAY, 2 O'CLOCK P. M.

The House met.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of the report of the
committee on the number of employees,

The Report was taken up.

Mr. Johnson, of Marshall, moved to reconsider the vote by which
the House refused to allow the Doorkeeper four Folding Clerks.

Messrs. Vater and Williams of Knox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bobo, Bowen, Britton, Breckin-
ridge, Calvert, Cave, Chapman, Chittenden, Cox, Davidson, Dunn,
Fairchild, Field of Lake, Field of Lagrange, Ghormley, Gilham,
Gordon, Green, Hall, Higbee, Higgins, Johnson of St. Joseph,
Jump, Lamborn, Mason, McFadin, Miller, Monroe, Overmyer,
Palmer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stewart
of Ohio, Stewart of Rush, Underwood, Vardemann, Welborn, Wile,
Wildman, Williams of Union, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Addison, Barritt, Bates, Beeler, Buskirk, Carnahan, Cory, Cotton, Cunningham, Davis, Fuller, Furnas, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Logan, Long, McBride, McDonald, McGregor, Millekan, Miles, Miner, Mitchell, Mock, Neff, Odell, Osborn, Peale, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Sleeth, Stephenson, Sunman, Tebbs, Vater, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Zollars—47.

So the vote was not reconsidered.

Mr. Overmyer offered the following resolution :

Resolved, That the report of the Committee on Employees, as amended, be concurred in.

Which was not agreed to.

Mr. Wildman moved the previous question,

Which was not seconded.

Mr. Vater offered the following amendment: Strike out "water carriers."

Mr. Shoaff moved to amend by inserting "one."

So the amendment was concurred in, and the motion agreed to.

The Speaker announced the following Special Committee on Asylum Investigation: Messrs. Ruddle, Williams of Union, Cory, Buskirk and Barnett. Said committee to report at its earliest convenience.

Mr. Neff offered the following resolution :

Resolved, That the report of the Committee on the Employees of this House be re-committed, with instructions to report the names of the employees and their residence.

Mr. Wellborn moved to lay the resolution on the table.

Messrs. Neff and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeler, Bobo, Dunn, Field of Lake, Field of Lagrange, Ghormley, Greene, Johnson of Parke, Johnson of St. Joseph, Lamborn, Mason, McFadin, Pierce of Vigo, Sleeth, Stewart of Ohio, Underwood, Welborn, Wildman, Williams of St. Joseph—19.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Fairchild, Fuller, Furnas, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Jump, Kercheval, Lawler, Logan, Long, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Peale, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—77.

So the motion did not prevail.

The question now recurring on the motion to re-commit.

Which was agreed to.

Mr. Bobo introduced

House bill No. 9. Entitled an Act to fix the salaries of the Judges of the Common Pleas Courts of the State of Indiana, and to provide for the payment thereof out of the State Treasury.

Read a first time, and referred to the Committee on the Judiciary.

Mr. Johnson of Marshall, moved to take up the papers in the contested election case between Messrs. Peale and Beatty, and refer them to the Committee on Elections.

Which was agreed to.

Mr. Stewart of Rush, presented the Report of the State Librarian, B. F. Foster, in regard to the condition of the State Depart-

ment under his charge during the past two years, which was referred to the Committee of State Library.

Mr. Welborn obtained leave to introduce House bill No. 10, entitled a Bill in relation to decedent's estates.

Read a first time and referred to the Committee on the Judiciary.

Mr. Smith introduced

House bill No. 11. Entitled a Bill to create the 21st and 22d Judicial Circuits.

Read a first time and referred to the Committee on the Judiciary.

Mr. Ratliff obtained leave to introduce House bill No. 12, a bill to amend section 5 of an act entitled "An act to provide for equalizing the appraisement of the real property of the State of Indiana," approved May 28th, 1852.

Read a first time and on motion was referred to a Special Committee.

Mr. Dunn introduced

House bill No. 13. "Entitled a Bill to prevent the importation of Texas Cattle, to make drovers, traders, and other parties, liable in damages for injuries caused by violation of this act; affixing a penalty and declaring an emergency."

Read a first time and referred to the Committee on Agriculture.

Mr. Field of Lake, introduced

House bill No. 14. Entitled "A Bill to amend Section 3d of an act regulating interest on money." 2 G. and H. p. 656.

Read a first time and referred to the Committee on the Judiciary.

Mr. Wildman introduced

House bill No. 15. Entitled "a bill regulating interest on Judgment."

Read a first time and referred to the Committee on the Judiciary.

Mr. Wilson introduced

House bill No. 16. "An act fixing the time of holding the Circuit Court in the first Judicial Circuit, repealing all laws in conflict therewith, making all writs, summons, and process, returnable thereto, and declaring an emergency."

Read a first time and referred to the Committee on Courts of Justice.

Mr. Vater introduced

House bill No. 17. Entitled "a bill establishing and regulating a Public Printing Office, making appropriations therefor and repealing all laws inconsistent therewith."

Read a first time and referred to a Select Committee of seven.

Mr. Underwood introduced

House bill No. 18. Entitled "A bill to amend sections 2 and 4 of an act for the incorporation and continuance of building and loan fund and saving association, and supplemental thereto.

Read a first time and referred to Committee on Corporations.

Mr. Hamilton introduced

House bill No. 16. "An act to create a Department of Insurance, to provide suitable regulations therefor, to transfer the business of insurance from the office of Auditor of State to the Department of Insurance, and to define the duties of Insurance Companies in connection therewith."

Mr. Hamilton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that the bill be read a second time by title now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Barritt, Bates, Bowen, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Davidson, Davis, Dunn, Fairehild, Field of Lagrang, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Jump, Kereheval, Lamborn, Logan, Long, Mason, McBride, Miller, Monroe, Pierce of Vigo, Ruddell, Shoaff,

Shoemaker, Skidmore, Smith, Sunman, Underwood, Vardeman, Welborn, Williams of Hamilton, Williams of St. Joseph and Zolters—52.

Those who voted in the negative were,

Messrs. Admire, Baker, Beeler, Breckinridge, Buskirk, Chittenden, Cory, Cunningham, Field of Lake, Johnson of Montgomery, Johnson of St. Joseph, McDonald, McFaddin, McGregor, Millikan, Miles, Miner, Mitchell, Mock, Neff, Odell, Osborn, Overmyer, Palmer, Peale, Ratliff, Sabin, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Tebbs, Vater, Williams of Knox, Williams of Union, Wilson, Zenor and Mr. Speaker—38.

So the constitutional rule was not suspended, and, on motion, the bill was referred to the Committee on Insurance.

Mr. Osborn introduced

House bill No. 20. Entitled "A bill repealing all laws which discriminate between races in raising revenue and providing for common schools, and providing that common schools of the State shall be equal and free to all, and defining the duties of certain officers, and supplemental to an act entitled an act to provide for a general system of common schools," &c., approved March 6, 1865.

Read a first time, and referred to the Committee on Education.

Mr. Gordon introduced

House bill No. 21. "A bill regulating docket fees of Prosecuting Attorneys in Circuit Courts, and District Attorneys in Courts of Common Pleas and before Justices of the Peace, and fixing the salaries of District Attorneys in prosecution on forfeited recognizance.

Read a first time, and referred to the Committee on Fees and Salaries.

Mr. Buskirk introduced

House bill No. 22. An act to amend an act authorizing the construction of plank, macadamized and gravel roads, approved May 12th, 1862.

Read a first time, and referred to the Committee on Judiciary.

Mr. Williams, of Fayette and Union, introduced

House bill No. 23, entitled a bill to amend an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7th, 1852, and to amend an act entitled an act to provide for township elections, approved June 15, 1852, to provide for the continuance of the terms of certain officers, and to repeal all laws inconsistent therewith.

Read a first time, and referred to the Committee on Elections.

Mr. Overmyer introduced

House bill No. 24. Entitled "a bill to regulate the standing of the Medical Profession, declaring who may practice medicine, and providing penalties for its violation."

Read a first time and referred to the Committee on Rights and Privileges.

Mr. Stewart of Rush, introduced

House bill No. 25. An act to repeal the Gravel Road Law, and declaring an emergency.

Read a first time and referred to the Committee on Roads.

Mr. Bowen introduced

House bill No. 26. An act to amend the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction powers and duties in civil cases. Approved June 9th, 1865.

Read a first time and referred to the Committee on the Judiciary.

Mr. Palmer introduced

House bill No. 27. Entitled a bill to authorize the assessment of all lands within one and a half miles of Macadamized and Gravel Roads, and repealing former laws on the subject.

Read a first time and referred to the Committee on Roads.

Mr. Mason introduced

House bill No. 28. An act to amend sections 1, 2, and 5, of an act entitled "an act to create the Eighteenth Judicial Circuit of

the State of Indiana, and affixing the time of holding Courts therein." Approved March 1st, 1867.

Read a first time and referred to Committee on Organization of Courts.

Mr. Barrit introduced

House bill No. 29. "An act to legalize the Tax Assessments for the year 1868, in certain incorporated cities."

Read a first time and referred to the Committee on the Judiciary.

Mr. Mitchell introduced House bill No. 30. A bill to amend section 9 of an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties, and declaring an emergency.

Read a first time, and referred to the Committee on the Judiciary.

Mr. Wilson introduced

House bill No. 31. An act to amend section 9 of an act entitled an act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1852, and repealing all laws in conflict therewith.

Read a first time, and referred to the Committee on the Judiciary.

Mr. Dunn moved that the House adjourn.

Which was agreed to.

WEDNESDAY MORNING, 9 O'CLOCK, }
January 13, 1869.

The Journal of yesterday was read, corrected and approved.

The Speaker announced the following special committees.

Select Committee on House bill No. 17.—Messrs. Vater, Pierce of Porter, Wildman, Fuller, Neff, Hamilton and McDonald.

Select Committee on the death of Ex-Governor Joseph A. Wright.—Messrs. Wildman, Buskirk, Coffroth, Osborn, Chittenden, Fuller and Sleeth.

Select Committee on Printing Investigation.—Messrs. Hamilton, Miles and Williams of Union.

Select Committee on procuring rooms for Committees.—Messrs. Buskirk, Barritt and Beeler.

Special Committee on Railroads.—Messrs. Osborn, Buskirk, Vater, Neff, McFadin, Kercheval and Gordon.

The Speaker announced the following additional Standing Committees.

Committee on Insurance.—Messrs. Underwood, Chittenden, Fuller, Stephenson, Kercheval, and Cory.

Committee on Statistics and Emigration.—Messrs. Wildman, Buskirk, Dittmore, Field of Lake, Fairchild, Wile and McDonald.

Committee on Trust Funds.—Messrs. Ratliff, Jump, McDonald, Bowen, Higbee, Barritt and Lawler.

Committee on Sinking Fund.—Messrs. Hamilton, Hutson, Logan, Taber, Smith, Cox and Zenor.

Committee on Rights and Privileges.—Messrs. Furnas, Wilson, Ghormley, Breckinridge, Fairchild, Carnahan and Hutchings.

Committee on Railroads—Messrs. Stewart of Rush, Monroe, Williams of Rush, Gilham, Ruddell, Coffroth and Cory.

Committee on Claims—Messrs. Sabin, Monroe, Williams of Rush, Williams of Union, Wildman and Tebbs.

Committee on Roads—Messrs. Millekan, Field of Lagrange, Shoemaker, Higgins, Miller, Montgomery and Palmer.

Committee on County and Township Business—Messrs. Mason, Higbee, Shoemaker, Sabin, Fairchild, Cunningham and Hyatt.]

Committee on Scientific and Benevolent Institutions—Messrs. Pierce of Porter, Chittenden, Welborn, Field of Lake, Bowen, Pierce of Vigo and McBride.

Committee on Public Expenditures—Messrs. Williams of Union, Beeler, Miner, Davidson, Greene and Palmer.

Committee on Agriculture—Messrs. Beeler, Higgins, Sunman, Furnas, Mason, Fuller and Addison.

Committee on Swamp Lands—Messrs. Sanborn, Barnett, Britton, Wile, Johnson of Marshall, Williams of Joseph, Johnson of Montgomery.

Committee on Manufactures and Commerce—Messrs. Skidmore, Williams of Hamilton, Long, Davis, Davidson, Calvert, and Admire.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Williams, of Knox, presented a petition from fifty-six citizens of Knox county on the subject of sewers and drains.

Which was referred to the Committee on Corporations without reading.

Mr. Coffroth presented a petition from Aquilla Jones, late Treasurer of State, praying for relief for the family of John P. Dunn, deceased.

Which, on motion, was referred to the Judiciary Committee.

Mr. Osborn moved to refer all petitions without reading, the member presenting the same giving an abstract of the contents.

Which was not agreed to.

REPORT FROM STANDING COMMITTEES.

Mr. Mitchell, from the Judiciary Committee, made the following report on House bill No. 7:

Your Judiciary Committee, to whom was referred House bill No. 7, a bill to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State, having had the same under consideration have instructed me to report said bill back to the House without amendment, and respectfully recommend its passage.

Which was laid on the table.

Mr. Cory, from the select committee on House bill No. 2 made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 2 would respectfully report an amendment to section one, changing the phraseology so as to give Decatur four weeks of Circuit Court instead of two weeks, as the bill provides, and when so amended recommend its passage.

On motion, the report was concurred in, and the amendment agreed to.

Mr. Cory moved that the bill be considered as engrossed.

Which was agreed to.

Mr. Cory moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be read a third time now.

The ayes and noes being taken under the constitutional rule,

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairechild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of

Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFaddin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Zollars—91.

Those who voted in the negative were,

Mr. Johnson of St. Joseph, and Mr. Speaker—2.

So the constitutional rule was suspended and the bill ordered to be read a third time.

House bill No. 2. A bill fixing the time of holding Circuit Courts in the several counties comprising the Fourth Judicial Circuit, and declaring an emergency.

So the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Green, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Odell, Osborn, Palmer, Peale, Pierce of Porter, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stevenson, Stewart of Rush, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Knox, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Zollars.—91.

Those who voted in the negative were,

None.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Skidmore, from the Special Committee on the Employees of the House, made the following report:

MR. SPEAKER:

Your committee, to whom was referred the question of the number of employees to be appointed by the elective officers of this House, have had the same under consideration, and beg leave to make this additional report, containing the names of the several employees appointed by the officers of this House, to wit:

Appointed by the Speaker.

Speaker's Page, John McArthur, of Indianapolis.

Floor Pages, Geo. Buskirk, Jr., Bloomington, Max. Woollen, Indianapolis, W. Phillips, Indianapolis, Thomas Brown, Indianapolis.

Appointed by Principal Clerk.

Clerk's Page, John C. Merwin, of Putnam county.

Reading Clerk, H. H. Robinson, of Allen county.

Registry Clerk, Frank M. Howard, of Parke county.

File Clerk, R. M. Smith, of Wabash county.

First Enrolling Clerk, J. J. Hayden, of Marion county.

Second Enrolling Clerk, H. C. Duncan, of Lawrence county.

First Engrossing Clerk, Wm. H. Snodgrass, of Clarke county.

Second Engrossing Clerk, Wm. H. Burk, of Putnam county.

Third Engrossing Clerk, Noble B. Judah, of Knox county.

Fourth Engrossing Clerk, W. H. H. Graham, of Clay county.

Appointed by the Assistant Clerk.

Minute Clerk, R. O. Dormer, of Wayne county.

Journal Clerk, L. A. Hardesty, of Marion county.

Journal Clerk, H. B. McCain, of Montgomery county.

Journal Clerk, D. H. Oliver, of Boone county.

Journal Clerk, J. F. Heaton, of Porter county.

Journal Clerk, A. F. Phillips, of Howard county.

Journal Clerk, Ira Broshears, of Spencer county.

Appointed by the Doorkeeper.

First Assistant, N. W. Fitzgerald, of Shelby county.

Second Assistant, Samuel Brown, of Johnson county.

Third Assistant, H. P. Miller, of Vigo county.

Cloak Room Keeper, W. M. Cochran, of Marion county.

Announcing Messenger, D. Overmyer, of Jackson county.

Mail Carrier, J. W. Martin, Lawrence county.

Firemen, J. Y. Place, of Clarke county; Wm. Boaz, of Marion county.

Water Carriers, Lewis Ratliff, of Grant county; Samuel C. Fitzgerald, of Shelby county.

Sweeper, D. D. Dicus, of Wabash county.

Spittoon Cleaner, Jesse H. Green, of Owen county.

Privy Cleaner, Jacob Buser, of Marion county.

Postmaster, Enos Wildman, of Jefferson county.

Assistant Postmaster, Lamartine M. Bailey, of Marshall county.

Folders and Carriers, Geo. Dedrick, of Marion county; G. F. Skidmore, of Vermillion county; H. P. McGuire, of Rush county; James Dilley, of Marion county.

Speaker's Clerk not yet appointed.

Mr. Pierce, of Vigo, moved a division of the question.

Which was agreed to.

The report was then read and the question being on the first division,

Mr. Williams, of Knox, moved to strike out four and insert two.

Mr. Johnson moved to lay the amendment on the table.

Mr. Williams, of Knox, and Mr. Johnson, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Beeler, Breekinridge, Buskirk, Chapman, Chittenden, Coffroth, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Ghormley, Gor-

don, Greene, Hamilton, Higbee, Higgins, Huston, Johnson of Parke, Johnson of St. Joseph, Jump, Kerchivel, Lawler, Lamborn, Long, Mason, McFadin, McGregor, Miles, Minor, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Zollars and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Admire, Bates, Bowen, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, McDonald, Millekan, Miller, Mock, Odell, Palmer, Peale, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Williams of Knox, Williams of Union, Wilson and Zenor—39.

So the amendment was laid on the table.

Mr. Underwood moved to adopt that portion of the report.

Mr. Gordon moved to strike out "four" and insert "three."

Mr. Dittmore moved to lay the amendment on the table.

Mr. Williams of Knox, and Mr. Gordon demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Breckinridge, Buskirk, Chapman, Chittenden, Dittmore Dunn, Field of Lake, Field of Lagrange, Furnas, Higbee, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Long, Mason, McDonald, McGregor, Mitchell, Osborn, Overmyer, Ratliff, Ruddell, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Stephenson, Taber, Underwood, Wildman, Williams of St. Joseph—33.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Fairchild, Fuller, Ghormley, Gilham, Gor-

don, Greene, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Lawler, Logan, McFadin, Millekan, Miller, Miles, Miner, Mock, Monroe, Neff, Odell, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—62.

So the amendment was not laid on the table.

The question being on concurring in Mr. Gordon's amendment.
Which was agreed to.

The question being on that portion of the report referring to the appointments by the Chief Clerk,

Mr. Coffroth moved to strike out that portion of the report providing for a "Clerk's page."

Which was not agreed to.

The question recurring on concurring in that portion of the report referring to the number of appointments of the Chief Clerk,

Mr. Logan and Mr. Williams of Knox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Bowen, Britton, Breckinridge, Buskirk Chapman, Chittenden, Davidson, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Mason, Millekan, Miner, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Cunningham, Davis, Ghormey, Hyatt, Johnson of Montgomery, Logan, Long, McDonald, Mc-

Fadin, McGregor, Miller, Miles, Mock, Neff, Odell, Palmer, Peale, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Wile, Williams of Knox, Zenor and Zollars—38.

So the report was concurred in.

The question being on that portion of the report referring to the appointments by the Assistant Clerk,

Mr. Cory moved to strike out "six" and insert "four."

Mr. Overmyer moved to lay the motion of Mr. Cory on the table.

Mr. Williams of Knox, and Mr. Cotton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Breckinridge, Buskirk, Chapman, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Ghormley, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Huston, Johnson of Parke, Johnson of St. Joseph, Junp, Lamborn, Mason, Miller, Mitchell, Monroe, Osborn, Overmyer, Peale, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Bowen, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Fuller, Greene, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, Miles, Miner, Mock, Neff, Odell, Palmer, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Sunman, Taber, Tebbs, Williams of Knox, Zenor, and Zollars—44.

So the motion to lay on the table prevailed.

Mr. Fields of Lagrange, moved to concur in that portion of the report, referring to the Assistant Clerk's appointments.

Which was agreed to.

The question being on concurring in that portion of the report referring to the appointments by the Door Keeper.

Mr. Pierce of Porter, moved to amend by striking out the "keeper of the cloak room."

Which was agreed to.

Mr. Johnson, of Parke, offered the following amendment:

Strike out in the proper place and insert the following: "Two Assistant Doorkeepers, one fireman, one privy and spittoon cleaner, one mail carrier and one postmaster."

The hour for the regular order of business having arrived, the same was called up.

Mr. Gordon moved that the regular order be suspended, and that the unfinished business before the House be proceeded with.

The question being on the amendment offered by Mr. Johnson, of Parke,

Mr. Breckinridge moved to lay the motion on the table.

Messrs. Williams, of Knox, and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Breckinridge, Buskirk, Dunn, Field of Lake, Field of Lagrange, Furnas, Ghormley, Hall, Hamilton, Higbee, Lamborn, Mason, Osborn, Overmyer, Peale, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Wildman, Williams of St. Joseph—24.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bowen, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Fuller, Gilham, Gordon, Greene, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaf, Shoema-

ker, Sleeth, Sanman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Wilson, Zenor, Zollars, and Mr. Speaker—68.

So the motion to lay on the table did not prevail.

The question being on concurring in Mr. Johnson's amendment,

Mr. Johnson moved the previous question, which was seconded by the House.

The question being, Shall the main question be now put?

It was so ordered.

The question being on concurring in the amendment.

Which was agreed to.

Mr. Coffroth moved to reconsider the vote of the House by which one page was stricken from the list of pages.

Which was agreed to.

The question being on the adoption of the clause of the report retaining four pages, it was agreed to.

The question then being on the report as amended, it was concurred in.

Mr. Coffroth moved to take up House bill No. 1, consider it as engrossed, and put it upon its passage.

It was agreed to.

House bill No. 1. A bill to fix the times of holding the Courts in the Twentieth Judicial District.

Read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Caruahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis, Dittmore, Dunn, Field of Lake, Field of Lagrange, Fuller,

Furnas, Ghormley, Gordon, Hall, Higbee, Higgins, Hutchings, Huston, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—87.

Those who voted in the negative were,

Mr. Miner—1.

So the bill passed.

The question being shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

On motion the House adjourned.

WEDNESDAY 2 O'CLOCK P. M.

The House met.

SENATE BILLS ON A FIRST READING.

The Speaker laid before the House, Senate Joint Resolution No. 1.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate Joint Resolution No. 1, entitled:

"A Joint Resolution directing the Auditor of State to prepare a list of the several officers of this State, who have filed a statement of their fees, perquisites and emoluments in his office, in obedience to the provisions of an act entitled, etc., approved June 3d, 1861, in which the concurrence of the House is requested.

Also, that the Senate has passed the following resolution in which the concurrence of the House is requested.

Resolved by the Senate, the House of Representatives concurring therein, That there be printed, in pamphlet form, eight thousand copies of His Excellency, Governor Baker's Message. Fifteen hundred copies whereof shall be printed in the German language. That one thousand copies of the same message shall be delivered to the Governor for his own use, and that the remainder be distributed *pro rata* to the Members of the General Assembly for circulation.

Mr. Hamilton moved to amend by striking out "fifteen hundred copies in German," and insert "twenty-five hundred in German."

Which was not agreed to.

The question being on concurring in the Resolution of the Senate.

It was agreed to.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed the following bills thereof, to-wit:

Senate bill No. 1. Entitled "a bill to fix the time of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith.

Also Senate bill No. 2. Entitled "an act fixing the time of holding Circuit Courts in the Counties of Franklin, Union, Fayette,

Rush, Shelby, Decatur, and Dearborn, and declaring an emergency."

In which the concurrence of the House is requested.

Senate bill No. 1. "A bill to fix the time of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith."

Read a first time.

Mr. Stephenson moved that the Constitutional rule requiring bills to be read on three several days, be suspended, and that Senate bill No. 1, read a second time now.

The ayes and noes were taken under the Constitutional rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Bowen, Britton, Breckinridge, Buskirk, Calvert, Chapman, Coffroth, Cory, Cotton, Cox, Davis, Dittimore, Dunn, Fairchild, Field of Lake, Field of LAGRANGE, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan Miller, Miles, Miner, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Peale, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollers, and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Admire, Beeler, Carnahan, Case, Chittenden, Cunningham, Davidson, Johnson of Montgomery, Johnson of St. Joseph, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sunman, Tebbs, Vater, Mr. Speaker—17.

So the constitutional rule was suspended, and the bill read a second time by its title, and referred to a Special Committee from that district.

Senate bill No. 2. "An act fixing the time of holding Circuit Courts in the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and declaring an emergency."

Read a first time, and on motion was laid on the table.

Mr. McFadin obtained leave and offered the following resolution :

Resolved, That this House be entitled to two folding clerks, and that said clerks be James Dilley and G. F. Skidmore.

Mr. Johnson, of Marshall, offered the following amendment :

Resolved, That the Doorkeeper be authorized to employ an Assistant Postmaster, who, when not actively engaged in the Post Office, shall act as chief folder, and who shall be Lamartine Bailey.

Which, on motion by Mr. Cory, was laid on the table.

The question recurring on the original resolution.

It was agreed to.

Mr. Wilson obtained leave and introduced the following resolution :

Resolved, That all employees employed by this House up to this time be allowed pay for the time they have been so employed.

Which was agreed to.

Mr. Ratliff, by consent, introduced House bill No. 32. A bill to provide for a specific appropriation for legislative expenses.

Read a first time.

Mr. Ratliff moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be read a second time now.

The ayes and noes were taken under the constitutional rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Bowen, Britton, Breckinridge, Buskirk, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Higbee, Hutch-

ings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Miller, Miner, Mitchell, Mock, Monroe, Neff, Osborn, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—87.

Those who voted in the negative were,

Messrs. Beeler, Calvert, Cunningham, Dittamore, Logan, Miles, Odell, Sleeth, and Tebbs—9.

So the constitutional rule was suspended and the bill read a second time by its title.

Mr. Coffroth moved that the House resolve itself into a Committee of the Whole.

It was agreed to.

The House then resolved itself into a Committee of the Whole with Mr. Coffroth in the chair.

Mr. Coffroth, from the Committee on the Whole, made the following report:

MR. SPEAKER:

The committee of the whole House, to whom was referred House bill No. 32, have considered the same, and report the bill back to the House and recommend striking out the word "allowed," in the second section, and insert the word "entitled."

Also, strike out four dollars as the pay for the Doorkeepers' employes and insert three dollars, and when so amended they recommend its passage.

Which, on motion, was concurred in, amendments agreed to, and ordered to be engrossed and passed to a third reading.

Mr. Pierce, of Vigo, by leave, presented the report of the Trustees of the Wabash and Erie Canal.

Which was laid on the table.

Mr. Hamilton moved to take from the table a resolution offered yesterday, in reference to diseases among cattle.

It was agreed to.

The resolution of Mr. Barnett, authorizing the appointment of a standing committee on the "importation of Mexican and Texas cattle."

Was taken from the table, and on motion was adopted.

Mr. Chittenden moved to take up a resolution changing section 40 of the rules of the House.

It was agreed to.

Resolved, That section 40 of the rules of the House be so changed as to authorize the Speaker to appoint two Committees on Prisons, one North and one South.

Which was not agreed to.

Mr. Barritt offered the following resolution :

Resolved, That the rules of the House be so amended as to include a Committee on Printing.

Which, under the rules, was laid on the table.

Mr. Barritt offered the following resolution :

Resolved, That the rules of the House be so amended that no member be allowed to introduce more than two resolutions and two bills on the same day without the consent of the House.

Which was laid over under the rule.

Mr. Wilson offered the following resolution :

Resolved, That a special committee of three be appointed to inquire into the condition of the Hospital for the Insane and its capacity for the accommodation of all patients, both curable and incurable, within this State, and if, in the opinion of such committee, it is necessary and expedient to establish a hospital for permanent insane, that they report a bill for the erection and establishment of such hospital.

Which, on motion, was referred to the Committee on Benevolent Institutions.

Mr. Coffroth obtained leave and introduced House bill No. 33. An act for relief of the widow and minor heirs of John P. Dunn, deceased.

Read a first time and referred to Committee on Judiciary.

Mr. Johnson of Parke, obtained leave and introduced

House bill No. 34. A bill to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats where the same have been lost or destroyed.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Underwood introduced

House bill No. 35. A bill fixing the fees of grand and petit jurors, and repealing all acts in conflict therewith.

Read a first time, and referred to the Committee on Fees and Salaries.

Mr. Stewart, of Ohio, obtained leave and introduced

House bil No. 36. An act concerning vagrants, and proceedings against the same.

Read a first time, and was referred to the Committee on the Judiciary.

Mr. Dunn obtained leave and introduced

House bill No. 37. An act to authorize Township Trustees to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts for the erection of such buildings.

Which was read a first time, and referred to the Committee on Education.

Mr. Mitchell offered the following resolution :

Resolved, That during the reading of the Journal of the House, no member, officer, page or employee of the House, whose station is within the bar of the House, shall leave his station or seat unless he shall have the consent of the House therefore.

Which was agreed to.

Mr. Osborn obtained leave and introduced

House bill No. 38. A bill declaring certain contracts made by or with common carriers void.

Which was read a first time, and referred to the Committee on Judiciary.

Mr. Bowen introduced

House bill No. 39. An act to suppress tippling houses, to regulate the sale, and barter, and giving away of spirituous and malt liquors, wine or cider, to provide penalties for the violation of this act, and to repeal all laws inconsistent therewith.

Read a first time, and referred to Committee on Temperance.

Mr. Long obtained leave and offered

House joint resolution No. 1. A joint resolution for the relief of Anna Christena Heller, refunding to her purchase money and interest thereon, paid for certain real estate sold as swamp land by the State of Indiana, when the title was in Thomas L. Ewing.

Which was read a first a first time, and referred to the Committee on Claims.

Mr. Chittenden moved to take from the table

House bill No. 4, and refer it to the Committee on Corporations.

Which was agreed to.

Mr. Miles introduced

Joint resolution No. 2, in reference to lands granted the State by Congress for Agricultural College purposes.

Read a first time, and referred to the Committee on Federal Relations.

The Speaker announced the following Committee on Engrossed Bills.

Johnson of Parke, Stephenson, Ghormley, Dittmore, Underwood, Field of Lake, and Wilson.

On motion, the House adjourned.

THURSDAY MORNING, 9 O'CLOCK, }
January 14, 1869. }

The House met.

The Journal of yesterday was read, corrected and approved.

The Speaker announced the following committees.

Special Committee on a bill fixing the equalization of appraisements.

1st District—R. T. Kerchival.

2d District—Ghormley of Floyd.

3d District—Monroe of Jefferson.

4th District—Cory of Franklin.

5th District—Osborn of Putnam.

6th District—Hamilton of Vigo.

7th District—Palmer of Clinton.

8th District—Williams of Hamilton.

9th District—Jump of Delaware.

10th District—Davis of Elkhart.

11th District—Johnson of Marshall.

Special Committee on Senate bill No. 1. Stephenson of Hamilton and Tipton, Wildman of Howard and Ratliff of Grant.

STANDING COMMITTEE ON ENGROSSED BILLS.

Messrs. Mitchell, Bobo and Overmyer.

COMMITTEE ON TEMPERANCE.

Messrs. Chapman, Mason, Dittmore, Dunn, Furnas, Hall and Tebbs.

COMMITTEE ON CANALS.

Messrs. Vardeman, Huston, Hyatt, Stewart of Ohio, Hamilton, Millekan and Williams of Knox.

COMMITTEE ON PUBLIC BUILDINGS.

Messrs. Williams of Hamilton, Sleeth and Field of Lagrange.

COMMITTEE ON CANAL FUND.

Messrs. Hall, Carnahan and Stewart of Rush.

COMMITTEE ON AFFAIRS CITY OF INDIANAPOLIS.

Messrs. Williams of St. Joseph, Overmyer, Hutchings, Williams of Union, Vater, Cotton and Bates.

COMMITTEE ON LIBRARY.

Messrs. Williams of St. Joseph, Ghormley and Fairchild.

COMMITTEE ON THE IMPORTATION OF MEXICAN AND TEXAS CATTLE.

Messrs. Barnett, Lamborn, Neff, Furnas, Field of Lagrange, Carnahan and Long.

COMMITTEE ON PRISONS.

Messrs. Rudell, Lamborn, Barritt, Field of Lake, Monroe, Davis and Long.

PETITIONS, MEMORIALS AND REMONSTRANCES.

The Speaker laid before the House a memorial from a meeting of citizens held at Indianapolis, January 12th, 1869, on the question of Prison Reform, signed by James M. Ray, Chairman and Wm. Armstrong, Secretary.

Which was read and referred to the Committee on Prisons.

Mr. Hamilton asked and obtained leave of absence for Mr. Jackson, for two weeks from next Monday.

A petition was presented by Mr. Williams, of Union, from citizens of the State, praying for the establishment of a Reform Prison for Females.

Which was referred to the Committee on Prisons.

REPORT FROM STANDING COMMITTEES.

Mr. Coffroth, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee to whom was referred House bill No. 11, have had the same under consideration, and do now report the same back and recommend that section 4 be amended by striking out the word "two," in the fourth line thereof, and insert the word *three*, and that when so amended they recommend its passage.

The amendment was agreed to and the report was concurred in.

Mr. McFadin moved to suspend the order of business and take up House bill No. 32.

Which was agreed to.

Mr. Ruddell, by consent, offered the following resolution :

Resolved, That the Doorkeeper of this House be directed to employ, in addition to the force now authorized by the House, one Assistant Doorkeeper, one fireman, and one coat and cloak room keeper ; that each of said employes, together with the force already allowed the Doorkeeper, whose per diem has been fixed at three dollars, shall receive five dollars per day, and that the amount necessary to meet the extra expense incurred by this resolution be drawn by the Doorkeeper from the State Librarian in postage stamps, and that the same be deducted from the amount of stationery and postage stamps to which the members of this House collectively are entitled.

Mr. Buskirk moved to lay the resolution on the table.

Which was agreed to.

Mr. Osborn obtained leave and offered the following resolution :

Resolved, That the Governor be requested to inform the House who he appointed as a Commission under the resolution of the House of Representatives of 1867, to investigate as to the payment of taxes of Railroad Companies, and to prepare the draft of a bill to secure a just valuation of railroad property for taxation, and to report to the Governor, and also to inform the House what report such Committee has made.

Which, on motion, was agreed to.

Mr. Johnson of Parke, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER:

The Committee on Engrossed Bills have examined Engrossed House bill No. 32. A bill to provide for specific appropriations for legislative expenses, and find the same correctly engrossed.

House bill No. 32, read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cotton, Cox, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lam-born, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miner, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Zollers—91.

Those who voted in the negative were,

Messrs. Cunningham and Miles—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

Mr. Dunn, from the Committee on the Judiciary made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 10, have had the same under consideration, and beg leave to report back the same, and recommend its passage without amendment.

Which was laid on the table.

RESOLUTIONS.

Mr. Miles offered the following resolution :

Resolved, That the Committee on Public Printing be instructed by the House as to the propriety of letting out the public printing to the lowest responsible bidder.

Which, on motion, was laid on the table until the special committee is appointed.

Mr. McDonald offered the following resolution :

Resolved, That there shall be appointed one Assistant Postmaster of House of Representatives, and the said Assistant Postmaster, when not actively engaged in the discharge of his duties, shall assist the folders, if necessary, in the discharge of their duties.

Mr. Williams, of Knox, moved that it be laid on the table.

It was agreed to.

Mr. Shoaff offered the following resolution :

Resolved, That the Doorkeeper be authorized to provide suitable seats for the accommodation of the pages of this House.

Which was agreed to.

Mr. Cory offered the following preamble and resolution :

WHEREAS, The Auditor of State has issued a Circular to County Auditors, directing them to have the appraisement of real estate in their respective counties made entirely upon a greenback or currency basis; and,

WHEREAS, Such an appraisement at this time would work a great wrong, and be an unjust discrimination as against the industrial and producing classes; now, therefore,

Be it resolved by the House of Representatives, (the Senate concurring,) That the Auditor of State is hereby directed to issue his Circular to the said County Auditors, countermanding former instructions, and expressly directing that all appraisements of real estate be made upon a gold basis.

Mr. Stewart, of Rush, moved to amend by inserting "real estate appraisers," instead of "Auditors."

Mr. Vater moved to amend by striking out all after the word "resolved," and insert the following:

"That the Auditor be instructed to withdraw his former instructions to appraisers, and instruct appraisers to fix the value by the standard of lawful money."

Mr. Overmyer offered the following amendment:

"Amend in the proper place, by saying all property shall be appraised on a gold basis."

The hour having arrived for the regular order, the further consideration of Mr. Cory's resolution was informally passed over.

ORDERS OF THE DAY.

MESSAGES FROM THE SENATE.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 11, entitled An act to repeal the 17th section of an act entitled An act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency.

Also, that the Senate has passed Senate bill No. 13, entitled An act appropriating seventy-five thousand dollars to defray the expenses of the Forty-sixth session of the General Assembly, to which the concurrence of the House is respectfully requested.

Senate bill No. 11. A bill entitled a bill to repeal the 17th section of An act entitled an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency.

Read a first time and passed to a second reading.

Senate joint resolution No. 2. A joint resolution directing the Auditor of State to prepare a list of the several officers of this

State who have filed a statement of their fees, perquisites, and emoluments in his office, in obedience to the provisions of an act entitled, &c.

Read a first time and passed to a second reading on to-morrow.

House bill No. 7. A bill to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.

Read a second time and ordered to be engrossed and passed to a third reading.

Senate bill No. 13, entitled A bill appropriating seventy-five thousand dollars to defray the expenses of the Forty-sixth session of the General Assembly.

Read a first time and passed to a second reading.

The Speaker laid before the House the following communication from His Excellency, Governor Baker :

EXECUTIVE DEPARTMENT, }
Indianapolis, January 14, 1869. }

Gentlemen of the House of Representatives :

In compliance with the resolution of the House just received, requesting to be informed who were appointed Commissioners under the resolution of the House of Representatives of 1867, to investigate as to the payment of taxes by railroad companies, &c., I beg leave to say that I appointed Hon. James B. Belford, Hon. F. H. C. Honneus, and Gen. John T. Wilder, and that the Commissioners have made to me a majority and minority report, which reports, with all the accompanying papers delivered to me by the Commissioners, are herewith respectfully transmitted to the House of Representatives.

House bill No. 11, entitled A bill to create the Twenty-first and Twenty-second Judicial Circuits.

Mr. Coffroth moved that the bill be engrossed, and read a third time on to-morrow.

Mr. Williams moved to refer the bill to the Committee on the Organization of Courts.

It was agreed to.

House bill No. 10. A bill in relation to the settlement of decedent's estates.

Read a second time, ordered to be engrossed, and passed to a third reading.

Senate bill No. 2. A bill fixing the time of holding Circuit Courts in the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn.

Read a first time, and referred to the Committee on Organization of Courts.

The resolution offered by Mr. Barritt on yesterday,

Resolved, That the rules of the House be so amended that no member be allowed to introduce more than two resolutions and two bills on the same day, without the consent of the House, coming up under the rule requiring all amendments to the House rules to lie over for one day.

Mr. Overmyer moved to lay the resolution on the table.

Which was not agreed to.

Mr. Long offered the following amendment:

Strike out in the proper place, and insert "one resolution and one bill."

Mr. Pierce of Porter, moved to lay the amendment on the table.

It was agreed to.

The question being on the original resolution.

It was agreed to.

Mr. Coffroth moved that the House do now adjourn.

It was agreed to.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Ruddell, from the Special Committee appointed to investigate the charges against the Officers of the Blind Asylum, offered the following report :

MR. SPEAKER :

The Special Committee to whom were referred the charges made against the Superintendent and Board of Trustees of the Institute for the Education of the Blind, have had the same under consideration, and beg leave to make the following report :

That they have had before them all the pupils of said Institution who have sought an investigation of the alleged abuses suffered by them at the hands of said Superintendent and Board of Trustees, and have had a full statement from them of their causes of complaint.

That the Committee have visited the Institute for the Blind, where they met the Board of Trustees and Superintendent, who kindly gave them access to the Record Books of the Board, and offered them every facility for the examination, in private, of such of the inmates of the Institute, as they desired, and that from all the facts in the case, your committee are of the opinion that the complaints made against the Superintendent and Board of said Institute, are without foundation, and originated in an unworthy attempt to injure the Superintendent and Board of Trustees, by a pupil who was dismissed from the Institute for improper conduct, but was permitted to return on promise of reform, and your Committee fully endorse the action of the Board of Trustees in the premises.

Which, on motion, was laid on the table.

Mr. Kercheval offered the following resolution :

Resolved, That the Doorkeeper be directed to allow no smoking inside this Hall.

Which was agreed to.

Mr. Stewart of Rush, offered the following resolution :

Resolved, That the Secretary of State be, and he is hereby directed to furnish, without unnecessary delay, for the use of the Standing Committee on Railroads, a list of all Railroad Companies that have filed articles, or certified copies of association, or otherwise accepted the benefits and provisions of the act entitled "an act to provide for the incorporation of Railroad Companies," approved, May 11th, 1852. And also, a copy of all reports received from said Railroad Companies for the year ending January 1st, 1869, as is required by section 35 of the act aforesaid.

Which was agreed to.

Mr. Vater offered the following preamble and resolution :

WHEREAS, The Daily Evening Mirror has no reporter on this floor, and does not give a report of the proceedings of this House; therefore,

Resolved, That it be no longer taken by this House.

Mr. Dittemore moved to lay the resolution on the table.

Which was agreed to.

Mr. Overmyer offered the following concurrent resolution :

WHEREAS, The Governor under a concurrent resolution of the last General Assembly, appointed a Commission, consisting of John I. Morrison, Colonel Smith Vawter, Colonel John McCrea and General Thomas M. Browne, Attorneys, to hear, determine, and adjust, the claims of citizens of the State known as the "Morgan Raid Claims."

AND WHEREAS, The said Commission has performed its work, and reported to the Governor; therefore,

Resolved, By the House of Representatives, the Senate concurring, that two hundred copies of the Report of the Commission, and the supplementary report, be printed for the use of the members.

Which was agreed to.

Mr. Palmer offered the following resolution :

H. J.—9.

Resolved, That rule number forty, of this House, be amended by adding thereto the words "and a Committee on Public Printing."

Which was laid over under the rules.

Mr. Dunn offered the following resolution :

Resolved, That the following Committees be allowed one clerk each, to-wit: The Committee on Ways and Means; the Committee on the Judiciary and the Committee on Fees and Salaries, and that the compensation of the said clerks commence on, and date from and after January 14th, 1869.

Mr. Vater moved to amend by adding :

"Provided that they shall be paid for time actually employed, and they shall at all times hold themselves in readiness to perform the wishes of the Committee and its Chairman; to perform the proper business of the Committee, or to perform the work of such other Committees as may not be allowed a clerk."

Mr. Wilson moved to lay the amendment of Mr. Vater on the table.

Which was not agreed to.

The question being on the amendment,

Mr. McDonald moved to lay the whole proposition on the table.

Mr. Wilson moved to lay the amendments on the table.

Which was agreed to.

Mr. Shoaff offered the following amendment :

Amend by striking out "Clerk for Committee on Fees and Salaries."

Which was agreed to.

Mr. Monroe offered the following amendment :

Resolved, That the Committee on Claims be allowed one clerk

Which was agreed to.

Mr. McDonald offered the following resolution :

Resolved, That the publishers of the daily morning papers taken by the House be requested to deliver the papers to the Postmaster of the House by 7 o'clock on each day, and that the Doorkeeper be directed to inform the publishers of this request.

Which was agreed to.

Mr. Osborn offered the following resolution :

Resolved, That the Special Railroad Committee be allowed one clerk.

Mr. Dittmore moved to lay the resolution on the table.

Which was agreed to.

Mr. Overmyer offered the following resolution :

Resolved, That the Committee on Organization of Courts be allowed a clerk.

Which was, on motion, laid on the table.

Mr. Osborn moved to reconsider the vote by which the House allowed the Committee on Ways and Means and the Committee on the Judiciary clerks.

Mr. Sleeth moved to lay the resolution on the table.

Which was agreed to.

INTRODUCTION OF BILLS.

Mr. Welborn introduced

House bill No. 40. A bill to enable County Commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Long of Jackson, introduced

House bill No. 41, entitled a bill to repeal an act entitled an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions

of said act, by officers and others, and also repealing an act to license dogs, approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled an act for the protection of sheep, approved June 15, 1852. Approved March 2d, 1865.

Was read a first time, and referred to the Committee on County and Township Business.

Mr. Tebbs introduced

House bill No. 42. A bill to amend section 21 of an act entitled an act to authorize a company to construct the Aurora and Laughery Turnpike, approved February 15th, 1848.

Read a first time, and referred to the Committee on Roads.

Mr. Odell introduced

House bill No. 43. An act to repeal an act entitled an act to allow County Commissioners to organize Turnpike Companies where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and to provide for the same to be free, approved March 6th, 1865.

Read a first time, and referred to the Committee on Roads.

Mr. Stewart of Rush, introduced

House bill No. 44. A bill to amend the third section of an act entitled an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent therewith, and declaring an emergency.

Read a first time, and referred to the Committee on Rights and Privileges.

Mr. Ratliff introduced

House bill No. 45. A bill to amend sections 1 and 14 of an act to provide for a system of common schools, etc., approved March 6th, 1865, and to provide for the education of the colored children of the State, January 14th, 1869.

Read a first time, and referred to the Committee on Education.

Mr. Barnett introduced

House bill No. 46, entitled a bill to legalize the Seminary lands in Jasper county.

Read a first time, and referred to the Committee on Education.

Mr. Cave introduced

House bill No. 47. Entitled a bill to amend Section five of an act to provide for the more uniform mode of doing Township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act. Approved February 18th, 1859.

Read a first time and referred to the Committee on County and Township business.

Mr. Admire introduced

House bill No. 48. A bill authorizing the State Board of Education, to adopt a uniformity in books to be used in District Schools.

Read a first time and referred to the Committee on Education.

Mr. Mason introduced

House bill No. 49. An act to amend an act entitled "an act to provide for the registry of voters, and so declare their residence, and to punish fraudulent practices touching elections and defining the duties of certain officers herein named, and the form of the ballots, and providing compensation for the services of such officers. Approved March 11th, 1867.

Read a first time and referred to the Committee on Elections.

Mr. Underwood introduced

House bill No. 50. "A bill to amend an act incorporating cities and towns."

Read a first time and referred to the Committee on Cities and Towns.

Mr. Cunningham introduced

House bill No. 51. Entitled "a bill to amend Section 1 of an

act entitled an act to provide for Township Elections. Approved June 15th, 1852.

Read a first time and referred to the Committee on County and Township business.

The Speaker announced the following Committee on Mileage and Accounts :

Messrs. Smith, Hutson, Stewart of Ohio, Hyatt, Overmyer Odell and Cox.

Mr. Field of Lake, moved that the House do now adjourn

Which was agreed to.

FRIDAY MORNING, 9 O'CLOCK, }
January 15th, 1869. }

The House met.

The resolution of Mr. Barritt, amending the rules, was taken from the table, which reads as follows:

Resolved, That the Rules of the House be so amended as to include a Committee on Printing.

Which was agreed to.

Mr. Wile obtained leave of absence until Monday next.

Mr. Miner obtained leave of absence until Tuesday next.

Mr. Zollars asked leave of absence until Tuesday next.

Which was agreed to.

Mr. Palmer obtained leave of absence until Tuesday next.

The Speaker announced the following Committee on Printing:

Stewart of Ohio, Skidmore, Neff, Higgins, Johnson of Parke, Long, and Lawler.

Mr. Dunn, from the Committee on the Judiciary, to whom was referred House bill No. 26, A bill to amend section 10 of an act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers, and duties in civil cases, approved June 9th, 1865, have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which, on motion, was concurred in.

Mr. Dunn, from the Committee on the Judiciary, to whom was referred House bill No. 14, A bill to amend section 3 of an act regulating interest on money, have had the same under consideration, and recommend its passage with the following amendment, viz: After line 17 insert the words "be amended to read as follows."

Which report was concurred in and amendments agreed to.

The Speaker laid before the House the following report of the Trustees of the State Normal School.

Mr. Pierce moved that the report be referred to the Committee on Education, and that 200 copies be printed.

Which was agreed to.

Mr. Underwood offered the following resolution :

WHEREAS, By a resolution of this House the Doorkeeper was instructed to order and lay upon the desks of the members copies of certain daily and weekly papers, provided said daily papers would publish the proceedings of this House; and,

WHEREAS, The *Evening Mirror* of this city does not publish the proceedings of this House; therefore,

Be it resolved, That the Doorkeeper be instructed to discontinue taking the said *Evening Mirror*, and in place thereof to subscribe for and lay on the desks of the members two additional copies of the *Indianapolis Journal*.

Mr. Williams, of Knox, offered the following amendment :

“Strike out *Journal* and insert *Sentinel*.”

Mr. Coffroth moved to lay the resolution and amendment on the table.

Which was agreed to.

Mr. Bowen offered the following resolution :

Resolved, That the Committee on Fees and Salaries be instructed to bring in a bill regulating the fees and salaries of township and county officers, so that Constables, Justices of Peace, Jurors and Road Supervisors, receive an adequate compensation for their services, and that County Treasurers, Auditors, Clerks, Sheriffs and Recorders be reduced in the more populous counties, so that their compensation or salaries go not above the average compensation of Judges of the Court and Governor.

Which was referred to the Committee on Fees and Salaries.

Mr. Wildman offered the following resolution :

Resolved, That the Committee on Military Affairs be instructed to inquire into the expense of the Adjutant General's Office, and

show cause, if any, why said office should not be abolished, and make report to this House by bill or otherwise.

Which was agreed to.

Mr. Cunningham offered the following resolution :

Resolved, That the Committee on Education be requested to inquire into the expediency of a uniformity of text books to be used in the common schools of this State, and report to this House.

Which was referred to the Committee on Education.

Mr. Admire offered the following resolution, in order that each member of this House has an equal chance in submitting legislative matter ; therefore,

Resolved, That the counties of this State be called alphabetically, thus giving to each legislator an opportunity of delivering his matter.

Which, on motion was laid over, under the rule.

Mr. Palmer offered the following resolution :

Resolved, That rule number fifty-three of this House be amended by adding thereto the following words, to-wit :

“ When resolutions, joint resolutions or bills are in order, the Clerk shall call the names of members alphabetically, and when the name of a member is so called, he shall have the privilege of introducing one resolution, joint resolution or bill, as the case may be. If the morning hour shall pass before all the members have been called, the succeeding call shall commence where it was left off, and so proceed until all are called.

Which was laid over under the rules.

By consent, Mr. Kercheval obtained leave of absence on account of sickness.

Mr. Cory's resolution of yesterday, which was informally passed over, came up in order, which reads as follows, to-wit :

WHEREAS, The Anditor of State has issued a circular to County Auditors, directing them to have the appraisement of real estate in their respective counties made entirely on a greenback currency basis,

AND WHEREAS, Such an appraisement at this time would work a great wrong, and be an unjust discrimination against the industrial classes, now therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Auditor of State is hereby directed to issue his circular to the said County Auditors, countermanding former instructions, and expressly directing that all appraisements of real estate be made upon a gold basis.

The amendments to the resolution were then read.

Amend in the proper place by saying, "all property shall be appraised on a gold basis."

To amend by striking out all after the word Resolved, and insert the following: "That the Auditor be instructed to withdraw his former instructions to appraisers, and instruct appraisers to fix value by the standard of lawful money."

Mr. Wilson moved to lay all the amendments on the table.

Whereupon the Speaker ruled the concurrent resolution and amendments out of order, inasmuch as the resolution would interfere with an act of the General Assembly in reference to the same subject.

Whereupon Messrs. Cory and Dittemore submitted the following appeal from the decision of the Chair.

"A concurrent resolution being offered directing the Auditor of State to issue instructions to County Auditors, directing them to have the appraisements of real estate in their respective Counties made upon a gold basis, and the Speaker having decided the same not in order, an appeal from said decision is hereby respectfully taken to the House."

Mr. Field of Lake, moved to lay the appeal on the table.

Messrs. Cory and Fields demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bowen, Breckenridge, Buskirk, Chittenden, Davidson, Davis, Dunn, Field of Lake, Field of Lagrange,

Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Lamborn, Mason, Mock, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams of Union—37.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Dittemore, Fairchild, Fuller, Furnas, Gilham, Greene, Hutchings, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Lawler, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Neff, Odell, Palmer, Peale, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Stephenson, Sunman, Tebbs, Welborn, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Zollars—53.

So the appeal was not laid on the table.

The question being, shall the decision of the Chair stand as the judgment of the House.

Mr. Dittemore moved the previous question.

Which was seconded by the House.

The hour for the regular order of business having arrived,

Mr. Buskirk moved that the House now proceed with the same

Which was agreed to.

Mr. Coffroth moved to suspend the regular order of business and take up the appeal submitted by Mr. Corey.

Which was agreed to.

The question being, Shall the decision of the chair stand as the judgment of the House.

Mr. Odell moved the previous question.

Which was seconded by the House.

The question then recurring on the decision of the chair,

Messrs. Corey and Williams of Knox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Breckinridge, Calvert, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Ghormley, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Lamborn, Mason, Millekan, Miller, Mitchell, Mock, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union—50.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Beeler, Britton, Buskirk, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Dittimore, Fuller, Greene, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Neff, Odell, Peale, Pierce of Vigo, Sabin, Shoaff, Sleeth, Stephenson, Tebbs, Williams of Knox, Wilson, and Zenor—40.

So the decision of the chair was sustained.

Mr. Wildman offered the following resolution:

Resolved, That the Committee on Ways and Means report a bill for a law fixing the basis of the appraisement of real and personal property, and specify in said bill whether gold and silver or currency shall be the basis of appraisement; and that said bill shall contain an emergency clause.

Which was agreed to.

ORDERS OF THE DAY.

Senate bill No. 11. A bill to repeal an act entitled An act to incorporate the Firemen and Mechanics' Insurance Company.

Read a second time and referred to the Committee on Insurance.

Senate bill No. 13, entitled "A bill appropriating seventy-five thousand dollars to defray the expenses of the Forty-sixth session of the General Assembly."

Was taken up, read a second time, and laid on the table.

A joint resolution directing the Auditor of State to prepare a list of the several officers of this State who have filed a statement of their fees, perquisites, and emoluments in his office, in obedience to the provisions of an act entitled An act to ascertain the amount of the fees and salaries of the Clerks of the Supreme, Circuit, and Common Pleas Courts of this State, of the Sheriffs of the Supreme Court, and of the various counties of this State, of County Auditors, Treasurers, and Recorders; of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions, approved June 3d, 1861, with a succinct statement of the aggregate amount of fees reported by each of said officers for the years 1867 and 1868.

Which was read a second time and referred to the Committee on Fees and Salaries.

House bill No. 10. A bill to amend section 43 of an act entitled An act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement, approved July 17th, 1852.

Was read a third time.

The question being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cox, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Ghormly, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Marshall, Lamborn, Long, Mason, McBride, McDonald, McFadin, Millekan, Miles, Mitchell, Mock, Overmyer, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Underwood Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Cotton, Cunningham, Field of Lake, Fuller, Furnas, Greene, Hyatt, Johnson of Montgo-

mery, Jump, Logan, Miller, Monroe, Neff, Odell, Osborn, Peale, Pierce of Porter, Pierce of Vigo, Skidmore, Stewart of Ohio, Sunman, Taber, Tebbs and Wilson—29.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

Mr. Welborn offered the following resolution:

Resolved, That the hour for meeting of this House, until the same shall be changed by the order thereof, shall be at 10 o'clock, A. M., and 2½ o'clock, P. M.

Which was agreed to.

House bill No. 14. A bill to amend section 3 of "An act regulating interest on money."

Read a second time.

Mr. Field of Lake, moved that the bill be engrossed for a third reading on to-morrow.

Mr. Long offered the following amendment to the bill:

Amend by adding, "Provided however, that no judgment shall be rendered to draw a greater rate of interest than six per cent., unless the debtor consents in writing that said judgment may be so rendered."

Pending which the House adjourned.

FRIDAY, 2 O'CLOCK, P. M.

Leave of absence was asked for Mr. Barnett on account of sickness.

It was agreed to.

Mr. Coffroth asked and obtained leave of absence for Mr. Pierce of Porter, until next Thursday.

Pending the adjournment was the consideration of the amendment offered by Mr. Long to House bill No. 14.

Mr. Odell moved to lay the amendment on the table.

Which was agreed to.

Mr. Osborn offered the following amendment to the first section :

Strike out all after the enacting clause, and insert the following :
 "No judgment shall be rendered by any Court of this State to draw more than six per cent. interest, unless the judgment defendant appear in open Court and agree to such a judgment."

Mr. Gordon moved to lay the amendment on the table.

Messrs. Long and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bates, Beeler, Britton, Breckinridge, Buskirk, Calvert, Chapman, Cory, Cotton, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of St. Joseph, Johnson of Parke, Jump, Lawler, McDonald, McFadin, McGregor, Mitchell, Mock, Monroe, Odell, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Addison, Admire, Bowen, Carnahan, Cave, Chittenden, Cox, Cunningham, Fuller, Furnas, Hutchings, Hyatt, Lamborn, Logan, Long, Mason, McBride, Miles, Neff, Osborn, Peale, Pierce of Vigo, Williams of Knox, Williams of Union—27.

So the amendment was laid on the table.

Mr. Green moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

House bill No. 14. Ordered to be engrossed for a third reading on to-morrow.

Mr. Ratliff, from the Special Committee on Senate bill No. 1, made the following report:

MR. SPEAKER:

Your Special Committee, to whom was referred Senate bill No. 1, have had the same under consideration, and authorized me to make the following report: After the words "county of Grant," in the first section, strike out the words "on the fourth Mondays of March, July and October," and insert the words "on the second Monday of April, the fourth Monday of July, and the second Monday of November," and after so amended, recommend its passage.

Which report was concurred in, the amendments adopted, and bill ordered to be engrossed for a third reading on to-morrow.

Mr. Wilson offered the following resolution:

Resolved, That the Committee on the Organization of Courts consider the propriety of reporting a bills or bill for the redistricting of the State for judicial purposes, and the formation of such new districts and circuits as the business of the Courts of the State requires, giving to all the Courts ample time for the transaction of the business thereof.

Mr. Carnahan offered the following amendment:

Amend so as to appoint one member from each judicial district to confer with the Standing Committee.

Mr. McFadin moved to lay the amendment on the table.

Which was agreed to.

The question recurring on the resolution offered by Mr. Wilson.

Which was agreed to.

Mr. Johnson, of Parke, offered the following resolution:

Resolved, That the Committee on the Organization of Courts of Justice be instructed to inquire into the expediency of redistricting the State for Circuit and Common Pleas Court purposes, and that they report the same to this House at as early a day as possible.

No quorum voting,

Mr. Odell moved a call of the House.

It was so ordered.

Those who answered were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Cave, Chapman, Chittenden, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Peelle, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams, of St. Joseph, Williams of Union, Wilson, and Zenor—77.

On motion, a further call was dispensed with.

H. J.—10.

The question being on the amendment offered by Mr. Johnson of Parke.

Which was agreed to.

The question recurring on the original resolution.

It was agreed to.

Mr. Odell offered the following resolution:

Resolved, That the Doorkeeper is hereby directed to require that the initial letter of the name of each wrapped newspaper furnished the House shall be stamped on the wrapper.

Which was agreed to.

Mr. Beeler offered the following resolution:

Resolved, That the special committee to procure rooms for committees of this House be authorized to employ two persons to take charge of said rooms and keep the same in order—one to be employed in the capitol and the other in the Gallup building.

Which was agreed to.

Mr. Underwood offered the following resolution:

Resolved, That the Librarian be instructed to procure a copy of the last journal of this House for the use of the Principal Clerk.

Which was agreed to.

Mr. Vardeman asked and obtained leave of absence until Monday at 2½ o'clock.

Mr. Johnson asked and obtained leave of absence till Monday.

Mr. Underwood moved that when the House adjourn it be till Monday at two and one-half o'clock.

The ayes and noes being demanded by ten members, the Clerk proceeded to call the roll.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Coffroth, Dittmore, Fairchild, Hall, Higgins, Johnson of Parke, Jump, Long, Mason, McBride, McDonald, Mc-

Fadin, McGregor, Monroe, Neff, Odell, Osborn, Overmyer, Peelle, Ruddell, Sleeth, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Williams of St. Joseph, Williams of Union and Wilson—36.

Those who voted in the negative were,

Messrs. Baker, Bates, Beeler, Britton, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of St. Joseph, Millekan, Miller, Miles, Mitchell, Mock, Pierce of Vigo, Radliff, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Sunman, Vater, Wildman, Williams of Hamilton, Williams of Knox, and Zenor—45.

So the motion to adjourn did not prevail.

Mr. Buskirk, from the special committee appointed to procure suitable rooms for the Standing Committees, made the following report :

MR. SPEAKER :

Your special committee, appointed to procure suitable rooms for the Standing Committees of the House, have performed that duty, and recommend that said rooms be occupied as follows, to-wit :

Committee of Ways and Means, room in north end of Capitol, adjoining Governor's apartments.

Committees on Judiciary and Organization of Courts, consultation rooms of Supreme Court.

Committee on Education, on Benevolent and Scientific Institutions and on Temperance, room of Superintendent of Public Instruction.

Committee on Corporations, on Prisons, on Military Affairs, on Railroad's, and on Banks, room No. 1, Gallup Building.

Committee on Swamp Lands, on Canals, on Fees and Salaries, on Trust Funds, on Sinking Funds, on Rights and Privileges, and on Public Expenditures, room No. 12 Gallup Building.

Committee on Manufactures and Commerce, on County and Township Business, on the Affairs of the City of Indianapolis, on Emigration, and on Mileage and Accounts, room No. 14 Gallup Building.

Committee on Agriculture, on Roads, on Elections, on Insurance Companies, in old Supreme Court Room.

Special Committees in Library Room.

Committee on Claims at — Room at Macy House.

All of which is respectfully submitted,

GEORGE A. BUSKIRK,

Chairman.

Which, on motion, was agreed to.

When, on motion, the House adjourned.

SATURDAY MORNING, 10 o'clock, }
January 16, 1869. }

The House met.

Mr. Wildman moved that the reading of the Journal be dispensed with.

Which was not agreed to.

Messrs. Bowen, Johnson of Parke, Admire and Underwood, asked, and obtained leave of absence until Monday next.

Mr. Dittmore obtained leave of absence until Wednesday next on account of sickness.

Mr. Chittenden obtained leave of absence until Tuesday next.

Mr. Coffroth moved that the reading of the Journal be dispensed with until Monday.

Which was agreed to.

Mr. Coffroth moved that the regular order of business be suspended for the purpose of taking up Senate bill No. 1.

Which was agreed to.

Senate bill No. 1. "A bill to fix the time of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith."

Was read a third time.

And the question being shall the bill pass.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beeler, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Fur-

nas, Ghormley, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of St. Joseph, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Neff, Odell, Osborn, Overmyer, Peelle, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—80.

Those who voted in the negative were,

None.

So the bill passed.

The question being shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

Mr. Williams of Fayette and Union, moved that the House adjourn.

Which was not agreed to.

Mr. Vater moved to suspend the regular order of business for the purpose of taking up resolutions and bills.

Which was not agreed to.

Messrs. Williams of Fayette, Hall and Sunman, obtained leave of absence until Tuesday next.

A petition was presented by Mr. Field of Lake, from sundry citizens, asking the State to refund money paid the State for land to which it had no title.

Which was referred to the Committee on Claims, without reading.

Mr. Stewart of Ohio, presented a petition from eighty colored persons, praying for a change in the school laws, so that colored children can have the benefit of the common schools.

Which was referred to the Committee on Education, without reading.

Mr. Gilham presented a petition from sundry citizens of the State, concerning the interests of fruit growers.

Which, on motion, was referred to the Committee on Agriculture, without reading.

Mr. McFadin moved, that when the House adjourn, it be until Monday, at two and a half o'clock.

Which was agreed to.

On motion, the House adjourned.

MONDAY AFTERNOON, 2 o'clock, }
January 18th, 1869. }

The House met.

The Journal of Friday and Saturday, was read and approved.

Mr. Neff moved that the regular order of business be suspended, and commence with the order of a morning session.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Neff presented a petition from A. J. Rockwell and forty-eight other citizens of Putnam county, on the subject of "the consolidation and combination of Indiana Railroad Companies with those of other States," and praying that the Legislature may fix a limit to the unjust discriminations practiced in local freight and passenger business."

Which was read, and referred to the Committee on Railroads.

Mr. Buskirk obtained leave and presented a petition from J. M. Cumback, Marshal of the Fourth Election District of this State, praying payment for services in collecting the Presidential Election returns of 1868. Amount claimed \$30 00.

Which was referred to the Committee on Claims, without reading.

Mr. Coffroth, from the Judiciary Committee, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 30, A bill to amend section 9 of an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties, and declaring an emergency, have had the same under consideration, and do now report the same back and recommend its passage.

Which, on motion, was laid on the table.

Mr. Coffroth, from the Committee on the Judiciary, offered the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 29, A bill to legalize the tax assessments for the year 1868, in certain incorporated cities, have had the same under consideration, and do now report the same back and recommend its passage.

Which motion was laid on the table.

Mr. Osborn, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 6, A bill providing for the location and construction and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same, have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

Mr. Osborn moved that the bill be considered as engrossed for a third reading on to-morrow.

Which was agreed to.

Mr. Osborn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 8, providing for the appointment of Deputy Appraisers of real estate, have directed me to report that they have had the same under consideration, and recommend that the same lie upon the table, and that the following bill be substituted in lieu thereof, and that it be passed.

Mr. Coffroth moved to recommit the bill to the Committee on County and Township Business.

Which was agreed to.

Mr. Dunn, from the Judiciary Committee made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 38, A bill declaring certain contracts made by or with common carriers void, would respectfully report that they have had the same under consideration and recommend its passage.

Which, on motion, was laid on the table.

Mr. Taber, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House resolution No. 10, offered January 15, on uniformity of text books to be used in the common schools of the State, have authorized me to return the same to the House, believing that legislation on this subject is inexpedient, and recommend that it be indefinitely postponed.

Which was agreed to.

Mr. Baker, from the Committee on Education, offered the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 48. A bill authorizing the State Board of Education to adopt a uniformity in books to be used in district schools, have had the same under consideration, and direct me to report the same back to the House, and recommend its indefinite postponement.

Which was concurred in.

Mr. Ratliff, from the Committee on Education, offered the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 46, providing for the sale of Seminary lands in Jasper county,

have had the same under consideration, and directed me to report it back to the House, and recommend its passage.

Which, on motion, was laid on the table.

Mr. McGregor, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred Senate joint resolution No. 2, directing the Auditor of State to prepare a list of the several officers of this State who have filed a statement of their fees, and perquisites, and emoluments in his office, in obedience to the provisions of an act entitled an act approved June 3, 1861, have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

Which, on motion, was laid on the table.

Mr. Gordon, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 35, a bill fixing the fees of grand and petit jurors, and repealing all acts in conflict therewith, have had the same under consideration, and instruct me to report the same back, and recommend its passage.

Which, on motion, was laid on the table.

The Speaker announced the following committees:

COMMITTEE ON CITIES AND TOWNS.

Messrs. Wilson, Buskirk, Miner, Smith, Taber, Odell and Ghormley.

COMMITTEE ON ENGROSSED BILLS.

Messrs. Osborn, McFadin and Chapman.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bill No. 14, regulating interest on money, beg leave to report that

they have had the same under advisement, and report that they have compared the same and found it correct.

Mr. Underwood, from the Committee on Insurance, made the following report :

MR. SPEAKER :

Your Committee on Insurance, to whom was referred Senate bill No. 11, a bill entitled an act to repeal the 17th section of an act entitled "An act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency," have had the same under consideration, and have directed the same to be reported back to the House with the recommendation that it do pass.

Which was laid on the table.

Mr. Buskirk, from the Committee on Ways and Means, offered the following report :

MR. SPEAKER :

Your Committee, to whom was referred the resolution of the gentleman from Howard, upon the subject of the appraisement of real and personal property for the purposes of taxation, have had the same under consideration, and have authorized me to report the accompanying bill and to recommend its passage.

Which, on motion, was laid on the table.

Mr. Coffroth presented the following preamble and resolutions :

WHEREAS, By the 23d section of an act entitled "An act to incorporate the Terre Haute and Richmond Railroad Company," approved January 26, A. D., 1847, it is provided: That when the aggregate amount of dividends declared shall amount to the full sum invested, and ten per centum per annum thereof, the Legislature may so regulate the tolls and freights so that not more than 15 per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of Common Schools; but the corporation shall not be compelled by law to reduce the tolls and freights so that a dividend of fifteen

per centum per annum cannot be made; and it shall be the duty of the corporation to furnish the Legislature, if required, with a correct statement of the amount of expenditures and the amount of profits, after deducting all expenses, which shall be made under the oaths of the officers whose duty it shall be to make the same: Therefore,

Resolved, That the Committee on Railroads be, and they are hereby, instructed to inquire into said subject matter, and to ascertain what amount, if any, is so due from said corporation to the Common School Fund, and to report by bill or otherwise.

Resolved, That for the purpose of said investigation, the said Committee are hereby invested with power to send for persons and papers.

Which was read and referred to the Special Committee on Railroads.

Mr. Monroe offered the following resolution:

Resolved, That a special committee of three be appointed on the House of Refuge.

Which was agreed to.

Whereupon the Speaker appointed the following special committee on House of Refuge.

Messrs. Monroe, Miner and Furnas.

Mr. Hamilton offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the clergymen of this city and invite them in turn to open the deliberations of this body each morning with prayer.

Which was adopted.

Mr. McDonald offered the following resolution:

Resolved, That the Committee on Printing be directed to take into consideration the expediency of publishing in the different counties of the State, in two of the county papers representing the two political parties, such of the laws passed by the General Assembly at its present session as may affect the local interest of the inhabitants for whose benefit laws may be passed, and report by bill or otherwise; if by bill, providing for the payment of such

advertising out of the county funds of the county in which such laws are published.

Which was referred to the Committee on Printing.

Mr. McFadin offered the following resolution :

Resolved, That the Committee on Roads be instructed to report a bill to the House, if they deem it proper and right, authorizing the Township Trustees to take the road tax that has been collected from real estate and distribute it in the road district wherein said real estate is situated, from which said tax was collected, instead of distributing it to the whole township, as the law requires them at present, and report by bill or otherwise.

Which was referred to the Committee on Roads.

Mr. McGregor offered the following resolution :

Resolved, That this House concur in the appropriation of such an amount of funds as may be necessary, for the purpose of making a thorough and scientific geological survey of the State.

Which was referred to the Committee on Agriculture.

Mr. Buskirk offered the following resolution :

Resolved, That the Hon. John R. Coffroth, of Huntington, be added to the Special Railroad Committee.

Which was agreed to.

Mr. Ratliff offered the following resolution :

WHEREAS, Indiana, through her Courts, has become notorious for granting divorces, or making void the marriage contract: Therefore,

Resolved, That the Committee on the Judiciary be requested to consider the propriety of so amending the statute as to require longer residences within the State, and to make the law more stringent in general, and report by bill or otherwise.

Which, on motion, was referred to the Committee on the Judiciary.

Mr. Vater offered the following resolution :

Resolved, That the second reading of House bills shall follow the order of Senate bills on third reading.

Which was laid on the table until to-morrow.

Mr. McBride offered the following resolution :

Resolved, That the Prison Committee have power to send for persons and papers in the investigation of the affairs of the Southern Indiana Prison.

Which was agreed to.

Mr. Palmer moved to take up the following resolution :

Resolved, That rule number fifty-three of this House be amended by adding thereto the following words, to-wit: "When resolutions, joint resolutions, or bills, are in order, the Clerk shall call the names of members alphabetically, and when the name of a member is so called he shall have the privilege of introducing one resolution, joint resolution or bill, as the case may be. If the morning hour shall pass before all the members have been called, the succeeding call shall commence where it was left off, and so proceed until all are called."

Mr. Neff moved to lay the resolution on the table.

Which was not agreed to.

The question being on the adoption of the resolution.

Which was not agreed to.

Mr. Admire offered the following resolution :

In order that each member of this House has an equal chance in submitting legislative matter, therefore,

Be it resolved, That the counties of this State be called alphabetically, thus giving to each legislator an opportunity of delivering his matter.

Which was laid on the table.

On motion, the following resolution was taken from the table :

Resolved, That the Committee on Public Printing be instructed by the House as to the propriety of letting out the public printing to the lowest responsible bidder.

Which was referred to the Committee on Printing.

Mr. Williams of Hamilton, offered the following resolution :

Resolved, That the Committee on the Affairs of the City of Indianapolis be instructed to inquire into the expediency of bringing in a

bill requiring the erection of a suitable building for the reception and preparation of fire-wood for the use of the State Librarian.

On motion, it was referred to the Committee on the Affairs of the City of Indianapolis.

Mr. Williams, of Knox, offered the following resolution :

Resolved, That committees, in making reports, should set forth the title as well as the number of the bill reported.

Which was agreed to.

Mr. McFadin offered the following resolution :

Resolved, That the Committee on Fees and Salaries be instructed to inquire into the expediency of reporting a bill to this House for the repeal of an act entitled An act to ascertain the amount of fees and salaries of the Clerk of the Supreme, Circuit, and Common Pleas Courts of this State, of the Sheriff of the Supreme Court and of the various counties in this State, of County Auditors, Treasurers, and Recorders, of Circuit and Prosecuting Attorney, and to provide punishment for a violation of its provisions, approved June 3, 1861, and report by bill or otherwise.

Which, on motion, was referred to Committee on Fees and Salaries.

Mr. Stephenson moved to suspend the regular order of business, for the purpose of taking up Senate bill No. 32.

Which was agreed to.

Message from the Senate.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 32, entitled A bill to fix the time of holding courts in the Seventeenth Judicial Circuit, repealing all the other laws on the same subject, and declaring when it shall take effect.

Which was read a first time and referred to a committee composed of members from the Circuit.

The Speaker announced the following special committee on Senate bill No. 32 :

Messrs. Stephenson, Chittenden, Wildman, and Williams of Hamilton.

Mr. Cory moved that the House do now adjourn.

Which was not agreed to.

Mr. Overmyer offered the following resolution :

Resolved, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the bill in their possession relative to real estate appraisement, and to allow the Real Estate Appraiser in each county to appoint and have one Deputy and no more.

Which, on motion, was referred to the Committee on County and Township Business.

Mr. Welborn offered the following resolution :

Resolved, By the House of Representatives, the Senate concurring, That a joint special committee of seven, (five upon the part of the House and two upon the part of the Senate,) be appointed to inquire into the expediency and propriety of establishing a Reformatory and Prison for Females, and that the said committee be authorized to report by bill or otherwise at an early period of the session.

Which was agreed to.

Mr. McGregor offered the following joint resolution :

1. *Resolved*, That our Senators and Representatives be requested to use their influence in reference to the securing the passage of a law taxing all bonds of the United States, or other property.

2. *Resolved*, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of this joint resolution.

Which was read a first time and referred to Committee on Federal Relations.

Mr. Millekan introduced House bill No. 52, entitled A bill authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867.

Which was read a first time and referred to Committee on Roads.

Mr. Fuller introduced

House bill No. 23. "A bill regulating the mileage of Sheriff's in conveying convicts to the State Prisons, and repealing all laws in conflict therewith."

Which was read a first time.

Mr. Dunn introduced

House bill No. 54. A bill to amend section 531 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." Approved, June 18, 1852.

Which was read a first time and referred to Committee on the Judiciary.

Mr. Coffroth offered the following resolution :

Resolved, That Rule 53 shall be construed and held as follows : " That after reports from Committees shall have been received and disposed of, it shall be in order for any member to introduce either a Bill, Joint Resolutions, or Resolutions ; and that neither shall have precedence to the other, but the same shall be construed as one order of business."

Which was adopted.

Mr. Ruddell introduced

House bill No. 55. A bill to amend "an act entitled an act to provide for the opening, vacating, or changing highways." Approved March 9, 1867.

Which was read a first time and referred to Committee on Roads.

Mr. Vater introduced

House bill No. 56. A bill authorizing the publication of Legal and Official advertisements, in papers of a Foreign Language, and prescribing the condition therefor.

Read a first time and referred to the Committee on Rights and Privileges.

Mr. Dittmore moved that the House do now adjourn.

Which was not agreed to.

Message from the Senate.

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has concurred in the House amendment to Senate Bill No. 1, entitled "a bill to fix the time of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other matters properly connected therewith," and the enrolled act thereof is herewith presented for the signature of the Speaker.

Mr. Cotton introduced

House bill No. 57. A bill to amend section 445, to revise, simplify and abridge the rules, practices, etc., in civil cases; to abolish forms of action at law, and to provide for the administration of justice in uniform pleadings, practices, etc.

Which was read a first time and referred to Committee on the Judiciary.

Mr. Buskirk, from the Committee on Ways and Means, introduced

House bill No. 58. Entitled a bill for the government of appraisers of real estate and assessors of personal property.

Which was read a first time and passed to a second reading.

Mr. Higbee introduced

House bill No. 59. "A bill to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble, of the Fourteenth Judicial Circuit."

Which was read a first time and referred to the Committee on the Organization of Courts.

The Speaker announced that he had signed Senate Enrolled Act No. 1, and the Clerk was ordered to inform the Senate thereof.

Mr. Breckinridge introduced

House bill No. 60. An act supplemental to an act entitled "an act supplemental to an act entitled a bill for the incorporation of Insurance Companies, defining their powers and prescribing their duties. Approved June 17, 1852. Approved Dec. 2, 1862, and providing penalties for the violation of the provisions of this act."

Read a first time and referred to the Committee on Insurance.

Mr. Osborn introduced

House bill No. 61. A bill to encourage the republication of Blackford's Reports, and appropriating money to pay for the same.

Which was read a first time and referred the Committee on the Judiciary.

Mr. Calvert moved that the House do now adjourn.

Which was agreed to.

TUESDAY MORNING, 10 o'clock, }
January 19, 1869. }

The House met.

The Journal of yesterday was read and approved.

Mr. Underwood introduced the following resolution :

Resolved, That at the hour of twelve o'clock, meridian, to-day, this House will, in pursuance of an Act of Congress of the United States, entitled "an act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, proceed to vote for Senator in the Congress of the United States, for the term of six years, from and after the 4th day of March 1869, in the place of Hon. Thomas A. Hendricks, the present incumbent.

Which, on motion, was agreed to.

The Speaker announced the following committee on the part of the House on the concurrent resolution concerning the expediency of building a female prison: Messrs. Welborn, Breckinridge, Gilham, Stewart of Rush, and Zenor.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams, of Knox, presented the claims for moneys expended in the release of Daniel Harrison.

Which was referred to the Committee on Claims.

Mr. Chapman offered a petition, praying for such legislation as will remove the evil growing out of the combinations complained of, and fix a limit to the unjust discrimination practiced in local freight and passenger business.

Which was referred to the Committee on Railroads.

Mr. Pierce of Vigo, offered the following petition from the citizens of his county, praying your honorable body to interpose your authority by such legislation as will remove the evil growing out

of the combinations complained of, and fix a limit to the unjust discriminations practiced in local freight and passenger business.

Which was referred to the Special Committee on Railroads.

Mr. Greene presented a petition from Nathan Murphy and forty other persons, praying the General Assembly "to limit and regulate the assessments on local freights of railroads in this State."

Which was referred to the Special Committee on Railroads.

Mr. Greene presented a petition from sundry citizens of the State, to prevent the evils which necessarily arise under our present arrangement, as well as to insure the more certain conviction of female criminals, and for a Prison Reformatory, to which young girls may be sent.

Which was referred to the Committee on Prisons.

Mr. Hall offered a petition from sundry citizens of Warren and Benton counties, in regard to Spanish Fever among cattle.

Which was referred to the Committee on Texas and Mexican Cattle.

Mr. Greene presented a petition from John Lewis and fifty-five other citizens of Henry county, praying for the passage of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Odell presented a petition from citizens of the State, in reference to the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Bowen presented a petition from sundry citizens of the State, praying for a Reformatory Prison to which young girls can be legally sent.

Which was read, and referred to the Committee on Prisons.

Mr. Beeler presented a petition signed by sundry citizens, asking amendments to the Gravel Road Law, to define the terminus, and fix the apportionment of County Boards, of equalization of assessments, and the manner of placing assessments on tax duplicate.

Which was referred to the Committee on Roads.

REPORTS OF STANDING COMMITTEES.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 31, entitled "A bill to amend section 9 of an act entitled an act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties, in civil cases, approved June 9, 1852," would respectfully report that they have had the same under consideration, and now report back said bill with the following amendment:

Strike out all after the enacting clause, and insert the following:

SECTION 9. The jurisdiction of Justices of the Peace in civil cases shall, unless otherwise provided by law, be limited to their townships respectively: *Provided*, That in all cases it shall be lawful to bring an action in the township where the debt is contracted, irrespective of the residence of the defendant, and when so amended, they recommend the passage of the bill.

Which, on motion, was laid on the table.

Mr. Cory, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 2, fixing the time of holding Courts in the 4th Judicial Circuit, would respectfully report that the time for holding Courts in said Circuit has already been fixed by House bill No. 2, making further action unnecessary. Your committee would therefore recommend its indefinite postponement.

Which, on motion, was laid on the table.

The Speaker laid before the House the following communication from James M. Ray, President of the Bank of the State of Indiana:

BANK OF THE STATE OF INDIANA, }
Indianapolis, Jan. 15, 1869. }

HON. A. P. STANTON,

Speaker of the House of Representatives:

SIR:—Please lay before the House of Representatives the Annual Report of the Bank of the State of Indiana and of each Branch

thereof, as transmitted through His Excellency, the Governor, with his late Annual Message, which was designed for the House of Representatives.

Which was read and referred to the Committee on Banks.

Mr. Skidmore, from the Special Committee on Employees of the House, offered the following report :

MR. SPEAKER :

The Committee on Employees, to whom was referred the resolution of the House on yesterday, inquiring when the pay of the employees of this House should commence, have had the same under consideration, and instruct me to report as follows :

The Clerks appointed by the Principal and Assistant Clerks of the House, and confirmed by the House, should receive pay from the date of their appointments respectively.

The appointees of the Speaker, consisting of Speaker's Clerk and Pages, the Clerk to receive pay from the 15th inst. The Speaker's Page and floor Pages should receive pay from the first day of the session.

The appointees of the Doorkeeper, whose appointments have been confirmed by the House, should receive pay from the first day of the session, and those not confirmed by the House should receive pay for the time they were actually in the service, said time to be certified to the House by the Doorkeeper.

The Page to the Principal Clerk should receive pay from the first day of the session.

The Chairmen of Committees to certify to the time of service and draw warrants for the pay of their own Clerks.

But the Auditor of State is requested not to pay any Clerk for more than sixty-one days' service during this session.

Which was read and concurred in.

BILLS INTRODUCED.

Mr. Coffroth introduced

House bill No. 62. A bill to provide for teaching the German language in the Common Schools.

Which was read a first time and referred to the Committee on Education.

Mr. Vater introduced

House bill No. 63. A bill prohibiting the use of spring balances by dealers in articles sold by weight, and prescribing the penalty for its violation.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Ruddell introduced

House bill No. 64. A bill defining what counties shall constitute the 12th Common Pleas District, and fixing the time of holding courts therein.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Osborn introduced

House bill No. 65. A bill amending section 15 of an act entitled An act for the incorporation of manufacturing and mining companies, and companies for mechanical and building purposes, approved May 20, 1852, and declaring the meaning of the word annually, as used in the thirteenth section of said act.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Field, of Lake, introduced

House bill No. 66. A bill defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Kercheval introduced

House bill No. 67. A bill regulating certain fees of and allowances to Sheriffs and Clerks of the Circuit Courts designated therein.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Breekinridge introduced

House bill No. 68. A bill to amend sections 63 and 69 of chapter 12 of an act entitled An act to repeal all general laws now in

force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14th, 1867.

Which was read a first time and referred to the Committee on Cities and Towns.

Mr. Mason introduced

House bill No. 69. A bill to provide for the election of County Surveyors, prescribing their duties, together with all other county officers named therein, fixing certain of their fees, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Stewart, of Ohio, introduced

House bill No. 70. A bill to amend sections 8 and 11 of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, approved March 5, 1859.

Read a first time and referred to the Committee on Temperance.

Mr. Odell introduced House bill No. 71, entitled A bill to amend section 13 of an act entitled An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties, approved June 11, 1852, and repealing all laws in conflict herewith, and declaring an emergency.

Which was read a first time and referred to the Committee on Cities and Towns.

Mr. Ruddell introduced

House bill No. 72. A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the times of holding courts therein.

Which was read a first time and referred to the Committee on Organization of Courts.

Mr. Neff introduced

House bill No. 73. A bill to amend section 15 of an act entitled An act regulating the fees of officers, and repealing former acts in relation thereto, approved —.

Which was read a first time and referred to the Committee on Fees and Salaries.

The hour for the regular order of business having arrived,

Mr. McFadin moved to suspend the regular order for the purpose of introducing bills.

Which was agreed to.

Mr. Overmyer introduced

House bill No. 74. A bill to declare what counties constitute the First Judicial Circuit, creating the Twenty-second and Twenty-third Circuits; to fix the time of holding courts therein; providing for return of process, &c., therein, and for the appointment and election of Judges and Prosecuting Attorneys thereof, and to repeal conflicting laws.

Which was read a first time and referred to Committee on Organization of Courts.

Mr. Barritt introduced House bill No. 75, entitled a bill to amend an act entitled A bill to amend an act entitled An act fixing the time of holding the Circuit Courts in the First Judicial Circuit.

Which was read a first time and referred to Committee on the Judiciary.

Mr. Cunningham introduced

House bill No. 76. A bill to regulate the tenure of certain township officers, and repealing all acts and parts of acts in conflict therewith, and declaring an emergency.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Wile introduced

House bill No. 77, entitled a bill to repeal an act entitled An act in relation to the change of public highways, approved March 11, 1867.

Which was read a first time and referred to Committee on Roads.

Mr. McFadin offered the following resolution :

Resolved, That the Committee on Rights and Privileges of the Inhabitants of the State are hereby instructed to inquire into the propriety of reporting a bill to the House, giving the right to mechanics of all kinds to hold a lien for the term of thirty or sixty days on all kinds of property that they may manufacture and sell on credit, for the purpose of securing their pay for the same, and report by bill or otherwise.

Which was read and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Stephenson introduced

House bill No. 78. A bill in relation to the salaries of county officers and providing the manner of paying the same, and regulating the allowances to be made by County Boards and Circuit and Common Pleas Courts, and repealing all laws inconsistent with this act.

Read a first time and referred to the Committee on Judiciary.

Mr. Wildman introduced

House bill No. 79. A bill to provide for the erection and repair of bridges, and to repeal all laws inconsistent therewith.

Read a first time and referred to the Committee on the Judiciary.

Mr. Wilson introduced

House bill No. 80. A bill declaring what evidence shall be sufficient, *prima facie*, to establish title to real estate under a sheriff's sale on execution, and providing that such sales not be adjudged void or set aside on account of the failure of the sheriff to sell in parcels.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Vater introduced

House bill No. 81. A bill creating a lien on property for labor performed thereon, and material furnished thereof, regulating the conditions thereof, and repealing all laws inconsistent therewith.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Fuller introduced

House bill No. 82. A bill to amend section 2 of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 1, 1867.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. McDonald introduced

House bill No. 83. A bill to amend sections 16, 17 and 18 of an act entitled "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855, and declaring an emergency.

Was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Osborn offered the following resolution :

Resolved, That the Committee on Fees and Salaries be instructed to take into consideration the expediency of allowing witness fees to witnesses subpoenaed in State cases to attend courts out of their own counties to be paid, on the certificate of the Clerk of the Court, out of the county treasury, and to report by bill or otherwise.

Which was adopted.

Mr. Ratliff introduced

House bill No. 84. A bill regulating the fees of members of the State Board of Education.

Which was read a first time, and referred to the Committee on Education.

Mr. Coffroth introduced

House bill No. 85. A bill to amend the 315th section of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Baker introduced

House bill No. 86. A bill to amend section 1 of "An act to provide for the registry of voters, and declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of ballot, and providing compensation for the services of such officers," approved March 11, 1867.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Osborn moved that the House take a recess of fifteen minutes.

Which was not agreed to.

Mr. Stewart of Rush, introduced

House bill No. 87. A bill to amend the first section of an act authorizing the assessment of all the lands within one and a half miles on either side, or within one and a half miles of the terminus of any plank, macadamized or gravel road organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852.

Read a first time, and referred to the Committee on Roads.

Mr. Jump introduced

House bill No. 88. A bill providing for an act supplemental to an act providing for constructing gravel roads, approved March 7, 1867.

Which was read a first time, and referred to Committee on Roads.

Mr. Ratliff offered the following resolution:

Resolved, That the time of the meeting of this House until further orders, shall be 9 o'clock, A. M., and 2 o'clock, P. M.

Mr. Underwood moved to lay the resolution on the table.

Messrs. Ratliff and Underwood demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Buskirk, Chapman, Coffroth, Field of Lake, Hamilton, Johnson of Parke, Mason, McDonald, McFadin, Mock,

Monroe, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stewart of Ohio, Taber, Underwood, Welborn, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Bobo, Bowen, Britton, Breekinridge, Calvert, Carnahan, Cave, Chittenden, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McBride, McGregor, Millekan, Miller, Miner, Mitchell, Montgomery, Neff, Osborn, Peelle, Ratliff, Shoemaker, Sleeth, Stephenson, Stewart of Rush, Sunman, Tebbs, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor and Zollers—67.

So the motion to lay on the table did not prevail.

SPECIAL ORDER FOR THE DAY.

At twelve o'clock, M., pursuant to a resolution of to-day, and in obedience to an act of Congress on the subject, the House proceeded to the election of United States Senator.

Mr. Wildman moved that the vote for Senator be by *viva voce* vote.

Which was agreed to.

Mr. Greene moved a call of the House.

Which was agreed to.

Those who answered to their names were

Messrs. Addison, Admire, Baker, Barnitt, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breekinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Ghormely, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph,

Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller Miles, Minor, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Knox, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—100.

Mr. Wildman nominated Hon. Will Cumback.

Mr. Coffroth nominated Hon. Thomas A. Hendricks.

Mr. Baker nominated Hon. G. S. Orth.

Mr. Chapman nominated Hon. James S. Fraizer.

No further nominations the Clerk proceeded to call the roll.

Those who voted for Hon. Will Cumback were,

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—48.

Those who voted for Thomas A. Hendricks were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williamson of Knox, Zenor and Zollars—45.

Those who voted for Mr. Ellis were,
Messrs. Davis and Higbee.

Those who voted for Mr. Thompson was,
Mr. Pierce of Vigo.

Those who voted for Mr. Orth was,
Mr. Baker.

Those who voted for Mr. Frazer were,
Messrs. Chapman, Mitchell and Tabor.

No gentleman having received a majority of all the votes cast, the Speaker declared that there was no election.

On motion, the House adjourned.

The House met,

TUESDAY, 2 O'CLOCK, P. M.

Mr. Coffroth offered the following joint resolution :

WHEREAS, By the custom heretofore prevailing, when the two houses are in joint convention, the Lieutenant Governor has presided over the joint convention; and,

WHEREAS, The person now holding the office of Lieutenant Governor is a candidate for the office of United States Senator; and,

WHEREAS, There is no law, will or usage which permits the Lieutenant Governor, so situated as aforesaid, to preside over the joint convention when assembled to elect a United States Senator; therefore,

Resolved by the House, (the Senate concurring,) That the Hon. John R. Cravens, the Senator from Jefferson county, shall preside over the joint convention when assembled for the election of a United States Senator.

H. J.—12.

Mr. Johnson, of Parke, offered the following amendment:

“Strike out the name of J. R. Cravens and insert the name of A. P. Stanton, Speaker of the House of Representatives.”

The Speaker ruled that the resolution was out of order, inasmuch as the resolution conflicted with a well established rule, or precedent of Joint Conventions, that the presiding officer of the Senate in such cases is the President of Joint Conventions.

Whereupon, Mr. Coffroth and Mr. Palmer submitted the following appeal:

There being pending before the House a preamble and concurrent resolution offered by the gentleman from Huntington, declaring who shall preside over the Joint Convention when assembled for the election of a United States Senator, the Speaker ruled that the preamble and concurrent resolution were out of order, therefore we, the undersigned, appeal from said decision of the Chair.

(Signed,)

J. R. COFFROTH,
T. H. PALMER.

Mr. Vardeman moved to lay the appeal on the table.

Messrs. Coffroth and Cotton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Britton, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Dittimore, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles,

Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Sumner, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—46.

So the motion to lay on the table prevailed.

The question pending at the time of the special order, was the resolution offered by Mr. Ratliff.

It was not agreed to.

Mr. McFadin moved that the Committee in whose hands House bill No. 8 was, be required to report the same back, and that the bill be made a special order for 11 o'clock to-morrow.

It was agreed to.

Leave of absence was granted to Mr. Ghormley, on account of sickness.

Mr. Underwood offered the following resolution:

Resolved, The Senate concurring, that the Senate and House of Representatives will meet in Joint Convention in the Hall of the House of Representatives, on to-morrow, the 20th inst., at 12 o'clock, M., for the purpose of comparing the separate action this day taken by the Senate and House of Representatives respectively, in relation to the election of a Senator in Congress, to succeed the Hon. Thos. A. Hendricks, upon the expiration of his term of service, and also for the purpose of taking such action as that comparison, and the provisions of the act of Congress in such cases made and provided, may render necessary.

It was agreed to.

Message from the Senate.

MR. SPEAKER: .

I am directed by the Senate to inform the House that the Senate has concurred in concurrent resolution of the House in reference to the appointment of a committee to inquire into the expediency of building a Prison for Females, and that the Senate has appointed as such committee, on the part thereof, Messrs. Armstrong and Huffman.

Also, that the Senate has passed House bill No. 2, entitled A bill

fixing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit, and declaring an emergency.

Also Senate resolution concenrrrent, in which the concurrence of the House is respectfully requested.

Be it resolved by the Senate, the House of Representatives concurring, That Charles T. Coffin, of Richmond, Indiana, and Z. V. Brockway, of Detroit, Michigan, be invited to address the General Assembly, at as early a day as practicable, on the subject of Prison Reform, and that the Secretary of the Senate be instructed to inform the parties of this action of the General Assembly.

Which was agreed to.

Engrossed House bill No. 7, entitled a bill to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollers and Mr. Speaker—97.

No member voting in the negative.

So the bill passed.

The question being: Shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate.

MR. SPEAKER:

I am directed by the Senate to inform the House, that in obedience to the law of Congress, providing for the election of United States Senators, the vote therefor to be taken on the 2d Tuesday after the commencement of the session of the General Assembly, the Senate did this day, at 12 M., proceed to vote for a person for United States Senator, for the term of six years from and after the 4th day of March, 1869, with the following result.

Will Cumback, received 22 votes.

Thomas A. Hendricks, received 19 votes.

E. W. H. Ellis, received 2 votes.

R. W. Thompson, received 2 votes.

Goodlove S. Orth, received 1 vote.

James S. Frazer, received 1 vote.

George W. Julian, received 1 vote.

Cyrus M. Allen, received 1 vote.

Benjamin Harrison, received 1 vote.

And there being no choice, the Senate without further order adjourned.

The Speaker announced that he had signed Enrolled Act No. 2, House of Representatives.

Mr. Williams of Union, obtained leave of absence on account of the death of a brother.

Engrossed House bill No. 14. Entitled a bill to amend section 3d of an act regulating interest on money. 2 G. and H. p. 655.

Was read a third time.

Mr. Dittmore moved the previous question.

Which was seconded by the House.

The question being: Shall the main question be now put?

It was so ordered.

The question being: Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Britton, Breckinridge, Buskirk, Calvert, Chapman, Chittenden, Coffroth, Cory, Cotton, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Johnson of Parke, McFadin, McGregor, Miner, Mitchell, Mock, Monroe, Odell, Palmer, Peale, Pierce of Porter, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Tabor, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Admire, Beeler, Bobo, Bowen, Carnahan, Cave, Cox, Cunningham, Fuller, Hamilton, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McDonald, Miller, Miles, Montgomery, Neff, Osborn, Overmyer, Pierce of Vigo, Sabin, Stewart of Rush, Underwood, Vardeman, Williams of Knox, Williams of Union—37.

So the bill passed.

The question being, shall the title as read, stand as the title of the Bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Doorkeeper.

HOUSE OF REPRESENTATIVES, }
January 19, 1869. }

Hon. A. P. Stanton, Speaker of the House of Representatives :

SIR: I would respectfully ask the House of Representatives, over which you have the honor to preside, the privilege of appointing the additional number of assistants upon the floor of the House which I think absolutely necessary to properly take care of this hall, to make it comfortable and convenient for the members thereof, and to take charge of center door and announce messages from the Governor and the Senate; one to take charge of the coats and hats of members and to seat visitors; one assistant postmaster; one sweeper, and one fireman. With the above additional force I will still have seven less employees than were employed in the same department at the last session of the General Assembly.

I have the honor to be, very respectfully, yours,

THOS. C. McCONN,
Doorkeeper House of Representatives.

Pending which,

Mr. Overmyer moved that the House do now adjourn.

Which was agreed to.

WEDNESDAY MORNING, 9 o'CLOCK, }
January 20th, 1869.

The House met.

Mr. Hamilton moved that the reading of the journal be dispensed with.

Which was not agreed to.

The journal of yesterday was read, corrected and approved.

Mr. Underwood presented a petition from the "Yearly Meeting of the Religious Society of Friends," held in Richmond on the 4th of the 11th month, 1868," praying for an amendment to the school law, so as to extend its benefits to the colored people of the State.

Which was read and referred to the Committee on Education.

Mr. Vater offered the following memorial from the Representative Meeting of the Religious Society of Friends, on behalf of the rights of colored citizens:

According to the 12th section of the existing school law, approved March 6th, 1865, the whole colored population of this State are held liable to assessment for special school revenue for building, furnishing and repairing school houses, and providing fuel, while at the same time the children of colored people are not allowed the benefits of public instruction. In view of these facts and of our accountability to Him who "hath made of one blood all nations of men," we do respectfully ask you to amend our statutes so that they shall extend the benefits of the common school fund equally to all classes of our fellow citizens.

Which, on motion, was referred to the Committee on Education.

Mr. Higgins presented a petition, praying for a prison to which young girls, arrested in a life of vice, can be legally sent.

Which was referred to the Committee on Prisons.

Mr. Monroe presented a petition in reference to gravel roads.

Which was read and referred to the Committee on Corporations.

Mr. Hall presented a petition from the citizens of Warren county, in regard to the prohibition of the importation of Texas and Mexican cattle.

Which was referred to the Committee on Texas and Mexican Cattle.

Mr. Millekan presented a petition, praying for a prison to which young girls, arrested in a life of vice, can be legally sent.

Which was referred to the Committee on Female Prison.

Mr. Vater presented a petition from a public meeting of German citizens of Indianapolis, praying for an amendment to the school law providing for the employment of German teachers in certain cases.

Which was referred to the Committee on Education.

Mr. Greene presented a petition from citizens of Rush county, asking for the repeal of the gravel road law.

Which was referred to the Committee on Roads.

Mr. Vater presented a petition, praying for the repeal of the gravel road law, requiring all lands to be assessed within one and a half miles of said road.

Referred to the Committee on Roads.

Mr. Vater presented a petition from the State Temperance Alliance on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Logan presented a petition from sundry citizens of Pike and Dubois counties, in relation to holding religious worship in the common school houses.

Which was referred to the Committee on Education.

Mr. Stewart, of Rush, presented a petition from sundry citizens of Rush county, praying for the Legislature to interpose, by authority, such legislation as to remove the evil growing out of the combination complained of, and fixing a limit to the unjust discrimination practiced in local freight and passenger business.

Referred to the Committee on Railroads.

Mr. Odell offered the petition of John K. Smith et al, to regulate railroad and passenger freight tariffs.

Which was referred to the Committee on Railroads.

STANDING COMMITTEES.

Mr. Ratliff, from the Committee on Education, made the following report :

MR. SPEAKER :

The Committee on Education to whom was referred House bill No. 84, "A bill regulating the fees of the members of the State Board of Education," have had the same under consideration and recommend the following amendment. After the word "education," insert the words, "other than the Governor, and Superintendent of Public Instruction," and when so amended recommend its passage.

Which was laid on the table.

Mr. Osborn, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee to whom was referred House bill No. 22, Amending an act entitled an act authorizing the constructions, of Plank, McAdamized and Gravel Roads, approved May 12th, 1862, So as to authorize such Companies to extend their Roads, have directed me to report the same to the House, and recommend its passage.

Which was laid on the table.

Mr. Mitchell from the Committee on Fees and Salaries made the following report :

MR. SPEAKER :

Your Committee on Fees and Salaries to whom was referred House bill No. 22: A bill regulating the docket fees etc., of Prosecuting and District Attorneys, having had the same under consideration, have instructed me to report the same back to the House recommending its passage, with the following amendments :

1st. In section 1st, "On each conviction of felony on plea of guilty," strike out "eight dollars" and insert "five dollars."

2d. In the same section, "on each conviction of misdemeanor on plea of not guilty," strike out "eight dollars," and insert "ten dollars."

3d. In section 3d, strike out "ten dollars" and insert "five dollars."

4th. In section 5th, say "in proportion to the" number of taxable polls, etc.

5th. In section 6th, strike out "fifteen per centum," and insert "five per centum."

Which was laid on the table.

Mr. McDonald asked and obtained leave of absence until this afternoon.

Mr. Fairchild, from the Committee on County and Township Business, offered the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House bill No. 8, entitled a bill authorizing appraisers of real estate to appoint their deputies, and authorizing appraisers to remove the same, and fixing the compensation of such appraisers and their deputies, and repealing all laws or parts of laws, in contravention of the same, beg leave to report that they have examined said bill, and recommend its immediate passage, and they would also report that they have examined the substitute for said bill, and recommend its indefinite postponement, all of which is respectfully submitted.

Which was concurred in.

Mr. Smith, from the Committee on Mileage and Accounts, offered the following report:

MR. SPEAKER:

The Committee on Mileage and Accounts have instructed me to make the following report as the mileage due each member of the House of Representatives.

NAMES.	MILES.
Jas. R. Bobo.....	324
Byron D. Miner.....	268
A. Zollers	268
Jas. M. Sleeth.....	54
T. J. Barritt	88
J. Lamborn.....	254
S. A. Shoaff	230
A. E. Gordon.....	58
J. Higgins.....	72
D. H. Long.....	142
R. W. Fairchild.....	170
S. L. McFadin.....	156
C. R. McBride.....	216
W. D. Hutchings.....	180
J. C. McGregor.....	150
T. H. Palmer.....	108
J. L. Bates.....	284
John Hyatt.....	288
W. Tebbs, Jr.....	230
O. P. Gilham	94
D. M. Stewart.....	80
L. D. Britton.....	530
S. V. Jump.....	132
Leroy Cave	300
H. J. Davis.....	492
G. W. Chapman.....	508
B. F. Williams.....	170
J. A. Ghormley.....	224
D. W. Cunningham	200
C. R. Cory.....	200
S. Davidson.....	204
A. Hutson.....	330
J. Ratliff.....	198
Thomas Mason.....	240

NAMES.	MILES.
J. Williams.....	56
R. Stephenson.....	44
John Addison... ..	60
P. M. Zenor.....	274
F. Beeler.....	6
J. M. Ruddell.....	20
F. J. Vater.....	—
J. F. Mock.....	132
D. McDonald.....	332
J. D. Cox.....	150
G. A. Buskirk.....	160
Jos. J. Johnson.....	200
Jas. V. Mitchell.....	62
W. K. Admire.....	60
F. Taber.....	510
S. Stewart.....	210
Willey Dittmore.....	150
Jas. F. Johnson.....	192
J. C. Shoemaker.....	468
R. Logan.....	316
G. A. Pierce.....	310
M. T. Carnahan.....	462
W. G. Neff.....	80
J. T. Vardeman.....	182
John C. Lawler.....	308
W. C. Bowen.....	130
J. J. Underwood.....	106
J. S. Cotton.....	400
A. Johnson.....	312
N. D. Miles.....	200
R. Breckinridge.....	130
R. Baker.....	104
L. Calvert.....	362
J. F. Welborn.....	362
W. Skidmore.....	150
E. Hamilton.....	208
I. N. Pierce.....	150
M. F. Dunn.....	220
A. P. Stanton.....	—

NAMES.	MILES.
T. W. Sunman.....	128
Samuel Greene.....	80
Isaac Odell.....	40
R. T. Kercheval.....	518
S. C. Sabin.....	554
I. C. Williams.....	354
John Overmyer.....	130
D. Montgomery.....	70
I. D. Williams.....	300
E. S. Higbee.....	408
T. Field, of Lagrange.....	510
E. C. Field, of Lake.....	352
Simon Wile.....	316
J. R. Peele.....	272
A. Furnas.....	48
M. A. Osborn.....	80
J. R. Millekan.....	132
G. F. Chittenden.....	72
J. A. Wildman.....	108
J. R. Coffroth.....	216
J. P. Barnett.....	208
W. Y. Monroe.....	172
W. D. Wilson.....	170
A. W. Smith.....	178
R. Miller.....	170
C. Hall.....	188
B. S. Fuller.....	406

Which was concurred in.

Mr. Kercheval, from the Special Committee on House bill No. 12, made the following report:

MR. SPEAKER:

The Special Committee to whom was referred House bill No. 12, fixing the places of meeting of the District Boards of Equalization for the several Congressional Districts, would respectfully report that they have had the same under consideration, and would recommend that the blanks in said bill be filled as follows:

First blank with the name Vanderburg; second, with the name Floyd; third, with the name Dearborn; fourth, with the name Franklin; fifth, with the name Marion; sixth, with the name Vigo; seventh, with the name Tippecanoe; eighth, with the name Howard; ninth, with the name Randolph; tenth, with the name Noble, and eleventh, with the name of Marshall.

When so filled, we recommend its passage.

Which was concurred in.

Mr. Osborn, from the Special Committee on Railroads, made the following report :

MR. SPEAKER :

The Special Committee on Railroads have directed me to report that it will be necessary to employ a clerk for said committee, to enable them to accomplish the work assigned to them; and to recommend the adoption of the following resolution :

Resolved, That the Special Committee on Railroads be authorized to employ a clerk, to be paid for the time engaged in behalf of said committee.

Which was concurred in.

On motion, the resolution offered yesterday in reference to changing the hour of meeting, was taken up.

The question recurring on the adoption of the resolution,

It was not agreed to.

Mr. Stewart, of Rush, offered the following resolution :

Resolved, That a committee of three on the part of the House and two on the part of the Senate, be appointed to visit the Soldiers' and Sailors' Home, and examine into the condition of the same and report to this Legislature.

Mr. Pierce, of Porter, moved to lay the resolution on the table.

Which was agreed to.

The hour having arrived for the special order,

Mr. McFadin moved that the House now proceed to the consideration of the report of the committee on House bill No. 8.

Which was agreed to and the report concurred in.

Mr. Shoemaker offered the following amendment:

Amend by adding the following:

Section 4. That all acts heretofore performed by appraisors of real estate and by Boards of County Commissioners in appointing deputy appraisors; are hereby legalized.

Which was agreed to.

Mr. Vater offered the following amendment:

Amend by making the pay of Assessors \$4 per day.

Which, on motion, was laid on the table.

Mr. McFadin moved that House bill No. 8 be considered engrossed and read a third time now.

Which was agreed to.

House bill No. 8. A bill authorizing appraisers of real estate to to appoint their deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and repealing all laws or parts of laws in contravention of the provisions of this act.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, Mason, McBride, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, and Mr. Speaker

Those who voted in the negative were,

Messrs. Cotton, Johnson of St. Joseph, Lamborn, Millekan, Miner, Osborn, Peelle, and Zollars—8.

So the bill passed.

The question being, Shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

On motion, the vote was reconsidered by which the title was agreed to, for the purpose of amending it.

Mr. Shoemaker offered the following amendment:

“And to legalize appointments of deputies heretofore made by appraisors of Boards of County Commissioners.”

Which was adopted.

Mr. Osborn moved that the regular order of business be suspended, for the purpose of introducing bills and resolutions.

Which was agreed to.

Mr. Pierce, of Porter, introduced

House bill No. 89. A bill to provide for change of venue in civil and criminal cases, and providing against delays and failures of Justices of the Peace resulting from such changes.

Which was read a first time and referred to Committee on the Judiciary.

Mr. Welborn introduced

House bill No. 90. A bill creating the Judicial Circuit, providing for the election of judges and prosecuting attorneys therefor, providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of actions thereto.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Ruddell introduced

House bill No. 91. "A bill to authorize Boards of County Commissioners, to make allowance to judges in certain cases.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Furnas introduced

House bill No. 92. "A bill to amend section 1 of an act entitled an act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8th, 1867.

Which was read a first time, and referred to the Special Committee on the House of Refuge.

Mr. Zollars offered the following resolution:

Resolved, That a committee be appointed to examine a late decision of the Supreme Court of this State, reported in 28th Indiana, and report to this House whether or not, it is necessary in amending a law or section thereof, to set out the old law or section or whether it is not sufficient to set out the amended law or section only.

Which was agreed to.

Whereupon, the Speaker announced the following as said special committee:

Messrs. Zollars, Buskirk and Coffroth.

Message from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of the passage of the following resolution:

Resolved, That the members of the Senate will, at 12 o'clock, M., this day, meet the members of the House of Representatives in the Hall of the House to take such action as is required in Joint Assembly by the act of Congress, passed July 25, 1866.

Also, that the Senate has passed the following resolution, and ordered the same to be communicated to this House:

Resolved, That the Senate proceed, *instantly*, to elect a President

of the Senate, *pro tempore*, to preside during the pending election for United States Senator, and during the pendency of any question which may arise during the session, wherein the Lieut. Governor may be interested, and also during his absence, and that the Senate has under said resolution elected the Hon. John R. Cravens President *pro tem*.

Mr. Ovérmeyer, from the Committee on Elections, offered the following report :

WHEREAS, The contested election case between Samuel Beatty, contestant, and James R. Peelle, contestee, was referred to the Committee on Elections on the day said committee was appointed :

AND WHEREAS, One ground of contest by said Beatty is, that said Peelle is ineligible to a seat in this House by reason of a constitutional provision contained in Article seven, Section sixteen, Constitution of Indiana :

Resolved, That the Committee on Elections be requested to report to the House, as soon as possible, as to the eligibility of James R. Peelle of Laporte and Stark counties, to a seat in this body.

Which was agreed to.

Mr. Miles introduced

House bill No 93. A bill to amend section 15 of an act entitled "An act to create a State Normal School, and declaring an emergency," approved Dec. 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Dunn introduced

House bill No. 94. A bill to amend section 39 of an act entitled "An act defining felonies, and prescribing punishment therefor," approved January 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dittmore offered the following resolution :

Resolved, That 150 copies of the report of the officers of the Banks of the State be printed for the use of the members of the House.

Which was not agreed to.

Message from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed House bill No. 32, entitled " A bill to provide for specific appropriations for legislative expenses."

Also, that the President has signed enrolled act No. 2 of the House of Representatives, entitled " An act fixing the time of holding Circuit Courts in the several counties composing the 4th Judicial Circuit of the State, and declaring an emergency."

Mr. Wildman moved a call of the House.

Which was agreed to.

Whereupon the Clerk proceeded to call the roll.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Ghormley, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—99.

Absent—Mr. Williams of Union.

On motion of Mr. Osborn, the House took a recess of ten minutes, for the purpose of letting the Doorkeeper prepare seats for the Senators in joint convention.

JOINT CONVENTION.

The hour of 12 o'clock, M., having arrived, the Senate came into the hall of the House of Representatives and were seated on the right of the Speaker.

Hon. J. R. Cravens, President of the Senate, *pro tempore*, took the chair and called the joint convention to order.

The journals of the Senate and House of Representatives were read to the joint convention, so far as the same had reference to the vote of the separate houses, had on yesterday for a Senator in Congress.

Hon. Will Cumback had received in the Senate 22 votes, and in the House 48 votes.

Hon. Thomas A. Hendricks had received in the Senate 19 votes, and in the House of Representatives 45 votes.

Mr. Ellis had received in the Senate two votes, and in the House of Representatives two votes.

Mr. Thompson had received in the Senate two votes, and in the House of Representatives one vote.

Mr. Allen had received in the Senate one vote, and in the House none.

Mr. Frazer had received in the Senate one vote, and in the House three votes.

Mr. Julian had received in the Senate one vote, and in the House none.

Mr. Orth had received in the Senate one vote, and in the House one vote.

Mr. Harrison had received in the Senate one vote, and in the House none.

As it appeared therefrom that no one had received a majority of all the votes cast, the President declared that nominations for the office of United States Senator were now in order.

Mr. Hanna, of the Senate, nominated the Hon. Thomas A. Hendricks.

Mr. Gray, of the Senate, nominated the Hon. Will Cumback.

Mr. Chapman nominated the Hon. J. S. Frazer.

Mr. Davis nominated the Hon. E. W. H. Ellis.

Mr. Hughes nominated the Hon. R. W. Thompson.

Mr. Stein nominated the Hon. G. S. Orth.

There being no further nominations the Clerk proceeded to call the roll for the second ballot.

Those who voted for Mr. Cumback were,

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lam-born, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—46.

On the part of the Senate, those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Coley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—22.

Those who voted for Mr. Hendricks were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—44.

On the part of the Senate those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Las-selle, Lee, Morgan, Sherrod, Smith, Taggart and Turner—19.

On the part of the House, those who voted for Mr. Frazer were,
Messrs. Chapman, Higbee and Taber—3.

On the part of the Senate, those who voted for Mr. Frazer were,
Messrs. Fosdick and Wolcott—2.

On the part of the House, those who voted for Mr. Thompson were,
Messrs. Baker, Monroe and Pierce of Vigo—3.

On the part of the Senate, those who voted for Mr. Thompson were,
Messrs. Hughes and Scott—2.

Mr Davis voted for Mr. Ellis, on the part of the House.

Those who voted for Mr. Ellis, on the part of the Senate were :
Messrs. Beardsley and Hooper—2.

Those who voted for Mr. Orth, on the part of House—none.

Those who voted for Mr. Orth on the part of the Senate were :
Messrs. Kinley and Stein—2.

Mr. Cravens voted for Mr. Allen, on the part of the Senate.

Those who voted for Mr. Allen, on the part of the House—none.

Mr. Mitchell voted for Mr. Hughes, on the part of the House.

Those who voted for Mr. Hughes on the part of the Senate—none

The whole number of votes cast for Mr. Cumback, on the part of the Senate.....	22
On the part of the House.....	46

Total number of votes cast for Mr. Cumback.....	68
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The whole number of votes cast for Mr. Hendricks, on the part of the Senate were.....	19
On the part of the House.....	44

Total number of votes cast for Mr. Hendricks.....	63
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The whole number of votes cast for Mr. Frazer, on the part of the House were.....	3
On the part of the Senate....	2

Total number votes cast for Mr. Frazer.....	5
---	---

The whole number of votes cast for Mr. Thompson on the part of the House were.....	3
On the part of the Senate.....	2

Total number of votes cast for Mr. Thompson.....	5
--	---

The whole number of votes cast for Mr. Ellis, on the part of the Senate were.....	2
On the part of the House.....	1

Total number of votes cast for Mr. Ellis....	3
--	---

The whole number of votes cast for Mr. Orth, on the part of the Senate were.....	2
On the part of the House.....	0

Total number of votes cast for Mr. Orth.....	2
--	---

The whole number of votes cast for Mr. Allen, on the part of the Senate was.....	1
On the part of the House.....	0

Total number of votes cast for Mr. Allen.....	1
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The whole number of votes cast for Mr. Hughes on the part of the Senate.....	0
On the part of the House.....	1

Total number of votes cast for Mr. Hughes.....	1
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Mr. Dittmore pairing off with Mr. Williams of Union.

The whole number of votes cast were one hundred and forty-eight.

Necessary to a choice, seventy-five.

No one having received a majority of all the votes cast, the President announced that there was no election.

Mr. Pierce of Porter, moved that the Convention do now adjourn.

Whereupon the President *pro tem* declared the motion out of order.

A third ballot was then taken, with the following result :

On the part of the House, those who voted for Mr. Cumback were :

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—45.

On the part of the Senate, those who voted for Mr. Cumback, were :

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadly, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—22.

On the part of the House, those who voted for Mr. Hendricks were :

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Fuller, Ghormley, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—44.

On the part of the Senate, those who voted for Mr. Hendricks, were:

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Shrerod, Smith, Taggart and Turner—19.

On the part of the House, those who voted for Mr. Frazer were:

Messrs. Chapman, Davidson, Higbee and Tabor—4.

On the part of the Senate, those who voted for Mr. Frazer were:

Messrs. Fosdick and Wolcott—2.

On the part of the House, those who voted for Mr. Thompson were:

Messrs. Monroe, Pierce of Vigo and Baker—3.

On the part of the Senate, those who voted for Mr. Thompson were:

Messrs. Hughes and Scott—2.

On the part of the House Mr. Davis voted for Mr. Ellis.

On the part of the Senate, those who voted for Mr. Ellis were:

Messrs. Beardsley and Hooper—2.

On the part of the House, those who voted for Mr. Hughes was, Mr. Mitchell—1.

On the part of the Senate Mr. Hughes received no votes.

On the part of the Senate, those who voted for Mr. Allen was, Mr. Cravens—1.

On the part of the House Mr. Allen received no votes.

On the part of the Senate, those who voted for Mr. Orth were, Messrs. Stein and Kinley.

On the part of the House Mr. Orth received no votes.

Mr. Cumback, on the part of the House, received.....	45 votes
On the part of the Senate.....	22 votes

Total vote for Cumback.....	67
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Mr. Hendricks, on the part of the House, received.....	44 votes
On the part of the Senate.....	19 votes

Total vote for Hendricks.....	63
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Mr. Frazer, on the part of the House, received.....	4 votes
On the part of the Senate.....	2 votes

Total vote for Frazer.....	6
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Mr. Thompson received, on the part of the House.....	3 votes
On the part of the Senate.....	2 votes

Total vote for Thompson.....	5
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On the part of the House, Mr. Ellis received.....	1 vote
On the part of the Senate.....	2 votes

Total for Ellis.....	3
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On the part of the House, Mr. Orth received.....	0
On the part of the Senate.....	2 votes

Total vote for Orth.....	2
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Mr. Allen received on the part of the Senate.	1 vote
On the part of the House.....	0

Total vote for Allen.....	1
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On the part of the Senate, Mr. Hughes received.....	0
On the part of the House.....	1 vote

Total vote for Hughes....	1
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Mr. Dittmore pairing off with Mr. Williams of Union, who had leave of absence.

Whole number of votes cast for Senator.....	148
Necessary to a choice.....	75

No one having received a majority of all the votes cast, the President announced that there was no election.

On motion by Mr. Parke, the convention adjourned.

After which the Speaker called the House to order, and, on motion, the House adjourned until 10 o'clock to-morrow morning.

THURSDAY MORNING, 10 O'CLOCK, }
January 21, 1869. }

The House met.

The Journal of yesterday was read and approved.

Mr. Welborn offered the following report :

MR. SPEAKER :

The Committee to whom was referred "A bill authorizing Appraisers of Real Estate to appoint their Deputies and authorizing Appraisers to remove their Deputies, and fixing the compensation of such Appraisers and their Deputies, and to legalize appointments of Deputies heretofore made by Appraisers and Boards of County Commissioners," would respectfully report that they have examined the same and find it correct.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Beeler presented a memorial from the State Board of Agriculture.

Which was referred to the Committee on Agriculture.

Mr. Welborn presented a petition from F. M. Thayer and other citizens of the State, praying for a law to insure the more "certain conviction of female criminals," and for the erection of a Girl's Reformatory.

Which was referred to the Special Committee on Prisons.

Mr. Miner presented a petition from citizens of Allen county, in reference to amendments to the game law.

Which was referred to the Committee on Rights and Privileges.

Mr. Mitchell, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed bills have examined House bill No. 32, and find it properly engrossed.

Mr. Hutson presented a petition from citizens of Gibson county in relation to the removal of lines of railway to other States, their control by other States, and an unjust discrimination in local passenger and freight business.

Which was referred to Special Committee on Railroads.

Mr. Bowen presented a memorial from the religious Society of Friends, asking for an amendment to our statutes so that they shall extend the benefits of the common school fund equally to all classes of our fellow citizens.

Which was referred to Committee on Education.

Mr. Stewart of Rush presented a petition from citizens of Rush county, in reference to the consolidation and combination of Indiana Railroads, praying your honorable body to interpose your authority by such legislation as will remove the evil complained of.

Which was referred to the Committee on Railroads.

Mr. Vardeman presented a memorial from citizens of Hendricks county, praying that amendments be made to the common school law extending the benefit of the school funds to colored children.

Which was referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Mr. Osborn, from the Judiciary Committee, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 61, entitled "An act to encourage the republication of Blackford's Reports, and appropriating money therefore," beg leave to report that they have had the same under consideration, and recommend its passage, with the following amendments, viz :

SEC. 4. That all copies of such Reports furnished by the Secretary of State to the several counties, shall be branded with the name of the counties for which they are respectively intended, similar to the manner in which township library books are now branded, and that section 4 of said bill be numbered section 5.

Which was concurred in.

Mr. Osborn, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 65, providing for the incorporation of Manufacturing and Mining Companies, have had the same under consideration, and recommend its passage without amendment.

Which was laid on the table.

Mr. Bobo, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 9, fixing the salaries of Judges of Common Pleas Courts, and providing for the payment thereof out of the State Treasury, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 75, fixing the time of holding the Circuit Courts in the First Judicial Circuit, beg leave to report that they have had the same under consideration, and recommend that it be referred to a select committee consisting of the members from said district.

Which was agreed to.

Mr. Dunn, from the Judiciary Committee, offered the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 66, entitled "An act defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency," have had the same under consideration, and recommend its passage with the following amendments:

Insert after the words "engage in," line 7, section 1, "or in any manner make preparation to engage in, or come into this State with intent of engaging in."

Also, after line 18, section 2, insert the same words.

Which was laid on the table.

Mr. Dunn, from the Judiciary Committee, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No 54, to amend section 31 of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State," &c., beg leave to report that they have had the same under consideration, and recommend its passage with the following amendment :

After the word "taken," in the amended section, insert the following, viz : "And shall be entered upon the Judgment Docket of the Court to which such recognizance runs."

Which was laid on the table.

Mr. Gordon, from the Judiciary Committee, to whom was referred House bill No. 36, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 36, entitled "An act concerning vagrants and proceeding against the same," have had the same under consideration, and have instructed me to report the same to the House and recommend its passage.

Which, on motion, was laid on the table.

Mr. Gordon, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 85, a bill to amend the 315th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of

actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and have instructed me to return the same to the House and recommend its passage.

Which was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 15, a bill regulating interest on judgments, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was agreed to.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claims of Otho Harrison, Agga Harrison, Daniel Harrison, Geo. L. Farnum, Richard Gladdish, W. H. Gladdish and Robert Willis, for money expended in aiding in the release from confinement of Mr. Daniel Harrison, a citizen of Pike county, Indiana, in the county jail at Macon, Mississippi, have had the same under consideration, and have authorized me to make the following report :

Your Committee, after a conference with Governor Baker and Gen. John L. Mansfield, and after having examined carefully all the papers in the cases above stated, report in favor of allowing to the following persons the following sums, to-wit :

To Daniel Harrison.....	\$433 75
To Agga Harrison.....	68 40
To Otho Harrison.....	165 15
To Geo. L. Farnum.....	163 65
To Richard Gladdish.....	36 00
To W. H. Gladdish.....	24 00

Making in all..... \$914 95

And your Committee have further instructed me to report the accompanying concurrent resolution to provide for the immediate payment of said claims.

Resolved by the House of Representatives, (the Senate concurring,) That His Excellency, Governor Conrad Baker, be instructed to pay to Daniel Harrison, Agga Harrison, Geo. L. Farnum, Richard Gladdish, W. H. Gladdish and Robert Willis, citizens of Pike county, Indiana, the sum of \$914.95, for monies expended by them in procuring the release from prison of Daniel Harrison, a citizen of Indiana, illegally held in custody at Mississippi, said money to be paid out of the sum appropriated by the last General Assembly for this and like purposes, and named in section 18 of the act making general appropriations for the said session.

Mr. Williams, of Knox, moved that the report be concurred in, and that the resolution be put upon its passage.

Which was agreed to.

The question recurring on the passage of the resolution.

It was agreed to.

Mr. Cunningham, from the Committee on County and Township Business, offered the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 69, beg leave to report that we have had the same under consideration, and recommend an amendment herewith transmitted. Strike out in section fourteen (14) the word five before "dollars," and insert the word three; and also strike out in the same section the word five following the word "allowed," and insert three, and when so amended, recommend its passage.

Which was laid on the table.

Message from His Excellency, the Governor, by Mr. Commons, his private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 20, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully transmit to the House his message and copy of report of reprieves, commutations

and pardons granted, as required by section 17, article 5, of the Constitution.

Also, a message in relation to the appointment of a person to examine the drift accumulated in the east fork of White river, where the Wabash & Erie Canal crosses the same, together with a copy of the report of the person so appointed.

Also, a copy of a communication and accompanying papers from Brevet Brigadier General J. D. Bingham, Chief Quartermaster, Department of the Lakes, Detroit, Michigan, in relation to the Soldiers' National Cemetery at New Albany, Indiana.

Also, a copy of the report of Col. James Blake, Commissioner on behalf of the State of Indiana, as one of the Board of Managers of the Soldiers' National Cemetery at Gettysburg, Pennsylvania.

Also, message and copy of communication and accompanying papers from Governor Oglesby, of Illinois, in regard to the National Lincoln Monument.

Also, message and copy of a petition signed by the Directors of the Michigan City Harbor Company, Mayor and Common Council of Michigan City and others, in relation to the Michigan City Harbor.

JOHN M. COMMONS,
Private Secretary.

HON. CONRAD BAKER,

Governor of the State of Indiana:

We, the undersigned, Commissioners on behalf of the State of Indiana of the Board of Managers of the Soldiers' National Cemetery, would respectfully submit the following report:

Since the last report made, two years ago, there have been meetings of the Board, and such proceedings were had as completed the contract for the monument and statuary which will be completed by the month of May, 1869, and there will be a public dedication of the same on the first day of July, 1869, at the Cemetery grounds, Gettysburg, Penn.

At the meeting held at Gettysburg, Penn., on the 19th day of June, 1867, the following resolution was adopted:

Resolved, That a committee of seven be appointed to see what steps are necessary, and whether practicable and expedient to transfer the care and supervision of the Soldiers' National Cemetery at Gettysburg, to the care of the General Government under the act

of Congress approved February 22, 1867, entitled "An act to establish and perfect National Cemeteries," and report to the Board of Commissioners at their next annual meeting.

In pursuance of this resolution, the Board selected the following committee: W. Y. Sellick of Wisconsin, Wm. Hebard of Vermont, C. E. Cam, of Illinois, R. H. McCurdy, of New York, David Wills of Pennsylvania, James Blake of Indiana, T. A. Ferry of Michigan.

This committee proceeded to discharge their duty, and concluded such arrangements with the Governor of Pennsylvania by which an act of the Legislature was passed which transferred to the United States the Cemetery and grounds belonging to the same, in accordance with the act of Congress before mentioned.

This arrangement will be entirely completed by the first day of July, 1869, at the time of the dedication of the monument, and the duties of the present Board of Managers will then cease, and the General Government will then take entire charge and supervision of the Cemetery.

The funds appropriated by the several States, *pro rata*, have been carefully used, and whenever there was an overplus it was invested, by the order of the Board, in United States bonds, so as to yield interest.

By the first day of July next the entire work will be completed, and this memorable spot, which was the scene of one of the most wonderful battles of the war, and which contains the ashes of so many of our gallant dead, will be properly decorated and consecrated, in accordance with the wishes of a patriotic people.

JAMES BLAKE,

Commissioner on behalf of the State of Indiana.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 16, 1869. }

Gentlemen of the Senate and House of Representatives:

In pursuance of section 17, of article 5, of the Constitution, I herewith respectfully transmit to the General Assembly a report containing each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remissions of fines and forfeitures have been made, and the several amounts remitted.

The report contains a statement of all reprieves, commutations, or pardons granted, and all fines and forfeitures remitted either by

Governor Morton or myself since his last report at the commencement of the session of the General Assembly of 1867.

CONRAD BAKER.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 15, 1869. }

Gentlemen of the Senate and House of Representatives :

In pursuance of the 35th section of an act, approved March 11, 1867, entitled "An act making specific appropriations for the year one thousand eight hundred and sixty-seven," I, on the 18th day of May, 1867, appointed William Martin, Esq., of Pike County, to examine the drift accumulated in the East Fork of White River, where the Wabash and Erie Canal crosses said stream; and the person so appointed having performed the duty required to be performed by said section, reported the result of his examination to me, a copy of which report is herewith respectfully transmitted to the General Assembly.

The expenses of said examination amounted to the sum of \$53, which sum was paid on my allowance out of the appropriation made by said section.

CONRAD BAKER.

PETERSBURG, IND., December, 1867.

To His Excellency, Conrad Baker :

The undersigned was appointed by your Excellency, in May last, to examine the drift accumulated in the East Fork of White River, where the Wabash and Erie Canal crosses said stream, and to report the best manner of cleaning out said drift, and the probable cost thereof, would beg leave to make the following report :

In September last, with two other hands, we worked eighteen days upon said drift, cutting a portion of said drift loose, and floating it out into the current, to be carried off by the water. We also made a measurement of said drift, as near as it could be done. The drift is from four to fifteen feet deep, about three hundred feet long, and near three hundred and fifty feet wide. Many of the logs forming the drift are embedded in the sand from one-half to three-fourths. In my opinion, the only way to remove the drift is

by cutting it up during low water (in the fall), and removing it out into the current to be carried off by the water.

My estimate of clearing out and removing the drift is between twelve and fifteen hundred dollars. My estimate is based upon and made from the work done on the drift by three hands in eighteen days.

Respectfully submitted,

WILLIAM MARTIN.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 16, 1869. }

Gentlemen of the Senate, and House of Representatives :

I herewith respectfully transmit to the General Assembly a communication from Brevet Brig. Gen. J. D. Bingham, Chief Quartermaster, Department of the Lakes, transmitting to me a copy of a communication from the Quartermaster General of the United States Army, requesting that jurisdiction over the National Cemetery, at or near the City of New Albany, in this State, may be ceded to the United States. A copy of the deed to the United States for the land accompanies these communications. I respectfully recommend that the jurisdiction over said Cemetery be ceded to the United States, pursuant to the request.

I also herewith respectfully transmit a communication addressed to me and signed by the Directors of the Michigan City Harbor Company, the Common Council of Michigan City, and others, in relation to memorializing Congress for an additional appropriation to complete said harbor.

I respectfully recommend the passage of a Joint Resolution, similar to the one passed at the last session of the General Assembly, asking Congress to make such an appropriation, and instructing our Senators and requesting our Representatives in Congress to vote accordingly.

I also herewith respectfully transmit the report of Col. James Blake, Commissioner on behalf of this State of the Board of Managers of the Gettysburg Cemetery, and call the attention of the General Assembly especially to the proposed transfer of said Cemetery to the General Government, thereby relieving the States interested therein from all further care of said Cemetery.

CONRAD BAKER.

HEADQUARTERS DEPT. OF THE LAKES,
CHIEF QUARTERMASTER'S OFFICE. }
DETROIT, MICHIGAN, December 19, 1868. }

HIS EXCELLENCY, CONRAD BAKER,
Governor of Indiana, Indianapolis, Ind.

SIR:—I have the honor to enclose herewith a copy of a letter received from the Quartermaster General, U. S. Army, together with a deed granted by C. Bowman, for a tract of land occupied as a National Cemetery at New Albany, and respectfully request that the same be presented to the Legislature at its next session, with request that such action may be had as to cede to the United States jurisdiction over the land described in the deed.

I have the honor to be, Sir, very respectfully,

Your obedient servant, J. D. BINGHAM,
Chief Q. M. Dept. of the Lakes, Brev. Brig. Gen. U. S. A.

QUARTERMASTER GENERAL'S OFFICE, }
WASHINGTON, D. C., August 22, 1868. }

BREV. BRIG. GEN. J. D. BINGHAM,
Chief Q. M. Dept. of the Lakes, Detroit, Mich.

SIR:—Enclosed please find copy of a deed granted by Charles Bowman and Georgiana, his wife, to the United States, for a certain tract of land occupied by the United States as a National Cemetery, at New Albany, Indiana. This tract of land was purchased and paid for by Maj. L. Cass Forsythe, on the 18th of August, 1863.

So much of the requirements of Section 1059, Revised Army Regulations of 1863, as calls for the written opinion of the Attorney General of the United States in favor of the validity of the title to the site, has been complied with, but there is no evidence on the file in the office that a session of the jurisdiction has been made by the Legislature of the State of Indiana.

You are therefore respectfully requested to cause application to be made to the Legislature of the State of Indiana, as soon as practicable, for the session of the jurisdiction to the United States over the tract of land described in the enclosed deed.

Very respectfully, your obedient servant,

(Signed) M. C. MEIGS,
Q. M. General, Brev. Maj. Gen. U. S. A.

A true copy.

J. D. BINGHAM,
Brevet Brig. General, and Quartermaster.

Know all men by these presents, That Charles Bowman and Georgiana Bowman, his wife, residents of the City of New Albany, County of Floyd, and State of Indiana, for and in consideration of the sum (\$955 50) nine hundred and fifty-five and fifty-hundredths dollars, to them in hand paid, the receipt whereof is hereby acknowledged, do, by this indenture, convey and warrant unto the United States of America, the real estate near the City of New Albany in said County and State, situated and described as follows, to-wit:

Being the middle one-third part or sub-division of out-lot number (4), in Wilson's survey of lands belonging to the estate of Thomas Conner, adjoining said city, and bounded as follows: Beginning at a stake situated at the southwest corner of said part or sub-division of said lot, running thence north 50 deg. east 5.62 chains and 62 links to a stake, thence north 40 deg. west 10.22 chains and 22 links to the line of Beeler street, thence south 50 deg. west 5.62 chains and 62 links to a stake, thence south 40 deg. east 10.22 chains and 22 links to the place of beginning, containing five and forty-six hundredths acres, (at \$175 per acre,) to have and to hold the same with the appurtenances, unto the United States of America and their assigns forever.

Witness our hands and seals, this 15th day of December, A. D. 1862.

CHARLES BOWMAN, [SEAL.]
 GEORGIANA BOWMAN, [SEAL.]

THE STATE OF INDIANA, }
 COUNTY OF FLOYD, } Sect.

Before the undersigned, an acting Notary Public, in and for said county, on this 15th day of December, 1862, came Charles Bowman and Georgiana Bowman, his wife, and acknowledges the execution of the annexed deed for the uses and purposes therein expressed.

In witness whereof, I have hereunto set my hand and notarial seal, the day and year first above written.

[L. S.]

A. A. DAY,
 Notary Public.

I certify that the deed, of which the above and foregoing is a

true copy, was stamped as provided by act of Congress, and recorded on the 24th day of September, 1863, at 3 o'clock P. M.

JOSIAH GWIN,
Recorder.

Filed September 24th, 1863, at 3 o'clock P. M., and recorded in Deeds, Vol. 10, pages 144 and 145.

JOSIAH GWIN,
Recorder.

STATE OF INDIANA, {
FLOYD COUNTY, { Sect.

I, Josiah Gwin, Recorder of said county, hereby certify that the above and foregoing is a full, true and complete copy of a deed executed by Charles Bowman and wife to the United States of America, as appears on Record of Deeds, Vol. 10, pages 144 and 145, of my office.

Witness my hand and official seal, this 23d day of August, A. D. 1867, at the City of New Albany.

JOSIAH GWIN,
Recorder.

[L. S.]

A true copy.

J. D. BINGHAM,
Brevet Brig. Gen. and Q. M.

EXECUTIVE DEPARTMENT, {
INDIANAPOLIS, January 15, 1869. }

Gentlemen of the Senate and House of Representatives:

In compliance with the written request of His Excellency, R. J. Oglesby, Governor of Illinois, transmitting to me the memorial of the National Lincoln Monument Association, I herewith respectfully transmit a copy of said memorial to the General Assembly, and trust that it may receive a favorable consideration.

CONRAD BAKER.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, January 8th, 1869. }

TO HIS EXCELLENCY, CONRAD BAKER,

Governor of the State of Indiana :

SIR:—I am requested by the National Lincoln Monument Association, to transmit to Your Excellency the accompanying Memorial, and to ask you to submit the same, and call the attention of the Legislature of Indiana to it in such manner as you may deem proper.

I am Governor, very respectfully,

Your obedient servant,

R. J. OGLESBY,

Governor of Illinois, and President of the Association.

To the Honorable, the Senate and House of Representatives of the State of Indiana :

Your Memorialists, "The National Lincoln Monument Association" would respectfully represent,

That immediately succeeding the assassination of President Lincoln, a Committee to arrange for the reception of his remains and their suitable interment, was appointed by a public meeting of the citizens of the City of Springfield, and the county of Sangamon, composed of the friends of the illustrious dead.

The members of this Association were appointed that Committee; and while engaged in the duties of their appointment, and as being germane to those duties, they resolved to erect over his remains, in Oak Ridge Cemetery, a monument illustrative of his achievements, and not unworthy of the civilization of his country and of his age. In execution of that resolve they associated themselves into a corporation, under a general law of the State of Illinois, under the name of the "National Lincoln Monument Association," and initiated such measures as were thought best to procure the means necessary to erect the Monument, and we now have the sum of one hundred and forty-six thousand dollars, (\$146,000,) devoted to that purpose.

The Association have adopted the design of Larkin G. Mead, jr., and we most respectfully submit a photograph copy of a drawing of the Monument, as proposed to be completed.

The estimated cost of the Monument is two hundred and thirty thousand dollars, (\$230,000.) One hundred and thirty thousand dollars, (\$130,000,) for the architecture, and seventy thousand dollars, (\$70,000,) for the sculpture. We now have the means of paying for the architecture, and the erection of the shaft is assured. We will begin its construction the ensuing spring, and hope to complete it in the fall of 1870.

We have entered into a contract with Larkin G. Mead, jr., for the sculpture, to be completed for the sum of seventy thousand dollars, (\$70,000,) and within four years after we give him the order to begin work upon it.

We have the money to build the shaft; we have not the money to pay for the sculpture. The shaft will be completed. Shall it stand unadorned with sculpture? We would give Mr. Meade the order to begin the sculpture forthwith if we had any assurance of being able to pay him.

We would therefore pray your Honorable Body to render us such aid as your judgment may dictate.

Springfield, Illinois, January 1869.

[L. s.]

RICHARD J. OGLESBY, *President.*

O. M. HATCH, *Secretary.*

J. H. Beveridge, Treasurer, Sharon Tyndall, Orlan H. Miner, Newton Bateman, John S. Spencer, S. H. Treat, Jesse K. Dubois, J. C. Conklin, S. H. Melvin, John Williams, Jacob Bann, Thomas J. Dennis, David L. Phillips, members of the Association.

And on motion the accompanying papers were referred to the appropriate Committees.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 20, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House, that he has approved and signed Enrolled act entitled "An act fix-

ing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit of this State, and declaring an emergency," and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

Mr. Buskirk moved that the regular order of business be suspended for the purpose of taking up House bill No. 58.

Which was agreed to.

House bill No. 58. "A bill for the government of appraisers of real estate and assessors of personal property."

Which was read a second time.

Mr. Pierce of Porter, offered the following amendment:

Amend by striking out "gold," and inserting "greenbacks."

Mr. Zenor moved to lay the amendment on the table.

Which was agreed to.

Mr. Cory moved that the bill be considered as engrossed, and that the Constitutional rule requiring bills to be read on three several days be suspended, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Bates, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnaham, Cave, Chapman, Cofroth, Cory, Cotton, Cox, Cunningham, Davidson, Ditemore, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Greene, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Jump, Lawler Logan, Long, McBride, McDonald, McFadden, McGregor, Miller, Miles, Monroe, Montgomery, Neff, Odell, Palmer, Peelle, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Welborn, Wiles, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Zollers—65.

Those who voted in the negative were,

Messrs. Admire, Barnett, Bowen, Chittenden, Davis, Field of Lagrange, Gilham, Gordon, Hall Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Minor, Mitchell, Mock, Osborn, Pierce of Porter, Ruddell, Sabin, Stewart of Ohio, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams, of Union and Mr. Speaker—33.

So it was not deemed expedient to suspend the Constitutional rule.

Mr. Vater moved to "strike out the enacting clause."

Mr. Dittemore moved to lay the motion on the table.

Whereupon Messrs. Dittemore and Vater demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Addison, Admire, Baker, Barritt, Bates, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Case, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Greene, Hamilton, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Montgomery, Neff, Odell, Palmer, Peale, Pierce of Vigo, Ratliff, Shooff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—68.

Those who voted in the negative were

Messrs. Barnett, Bowen, Chittenden, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Kerchival, Mason, Mitchell, Mock, Monroe, Osborn, Overmyer, Pierce of Porter, Ruddell, Sabin, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—31.

So the motion to lay on the table prevailed.

Mr. Pierce, of Porter, moved to recommit the bill without instructions.

Mr. McFadin moved to lay the motion on the table.

Upon which Messrs. McFadin, and Pierce, of Porter, demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Breekinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Dittemore, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Greene, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McGregor, McFadin, Millekan, Miller, Miles, Miner, Montgomery, Neff, Odell, Palmer, Peelle, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollars—60.

Those who voted in the negative were

Messrs. Baker, Barnett, Bowen, Chittenden, Davis, Field of La-grange, Gilham, Gordon, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Lamborn, Mason, Mitchell Mock, Monroe, Osborn, Overmeyer, Pierce of Porter, Ruddell, Sabin, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—36.

So the motion to lay on the table prevailed.

Mr. Coffroth moved that the bill be ordered to be engrossed and read a third time to-morrow.

Mr. Coffroth moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on ordering the bill to its engrossment,

It was agreed to.

Mr. Pierce, of Porter, moved that the House adjourn for ten minutes.

Which was agreed to.

The hour of 12 o'clock having arrived the House assembled, the same being the hour for the meeting of the two Houses in Joint Convention for the purpose of electing a United States Senator.

Upon a call of the House being demanded, those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—99.

Absent—Mr. Ghormley.

Hon. J. R. Cravens, President *pro tempore*, took the Chair, and called the House to order.

The President announced that as it appeared that there was no election of United States Senator, the reading of the Journals of yesterday, referring to that subject, were dispensed with.

The President ordered a call of the Senate, when all the members answered to their names.

Nominations being in order, Mr. Hanna nominated Thos. A. Hendricks.

Mr. Hooper nominated Mr. Frazer.

Mr. Vardeman nominated Hon. Will Cumback.

Whereupon the Clerk proceeded to call the roll of members for a fourth ballot.

On the part of the House those who voted for Mr. Cumback were,

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Rudell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—45.

On the part of the Senate those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, and Wood—22.

On the part of the House those who voted for Mr. Hendricks were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—44.

On the part of the Senate those who voted for Mr. Hendricks were :

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Hawk, Huey, Huffinan, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Sherrod, Smith, Taggart and Turner—19.

On the part of the House, those who voted for Mr. Frazer were :

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo and Taber—9.

On the part of the Senate, those who voted for Mr. Frazer were :

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein and Wolcott—9.

On the part of the House, Mr. Cumback received..... 45 votes.

On the part of the Senate..... 22 votes.

Total vote for Cumback..... 67 votes.

On the part of the House, Mr. Hendricks received..... 44 votes.

On the part of the Senate..... 19 votes.

Total vote for Hendricks..... 63 votes.

On the part of the House, Mr. Frazer received..... 9 votes.

On the part of the Senate.... 9 votes.

Total vote for Mr. Frazer..... 18 votes.

Mr. Williams of Union, pairing off with Mr. Ghormley, who was absent on account of sickness.

Whole number of votes cast for United States Senator, one hundred and forty-eight (148); necessary to a choice, seventy-five (75).

No person having received a majority of all the votes cast, the President announced that there was no election; whereupon the Clerk proceeded to call the roll for a fifth ballot.

On the part of the House, those who voted for Mr. Cumback were :

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—45.

On the part of the Senate, those who voted for Mr. Cumback were :

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Houghton, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—22.

On the part of the House, those who voted for Mr. Hendricks were:

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—44.

On the part of the Senate, those who voted for Mr. Hendricks were:

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Sherrod, Smith, Taggart and Turner—19.

On the part of the House, those who voted for Mr. Frazer, were:

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo and Taber—9.

On the part of the Senate, those who voted for Mr. Frazer, were

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein, and Wolcott—9.

On the part of the House Mr. Cumback received.....45 votes

On the part of the Senate.....22 votes

Total vote for Cumback.....67 votes

On the part of the House Mr. Hendricks received.....44 votes

On the part of the Senate.....10 votes

Total vote for Hendricks.....63 votes

On the part of the House Mr. Frazer received..... 9 votes

On the part of the Senate..... 9 votes

Total vote for Frazer.....18 votes

Whole number of votes cast for United States Senator, were one hundred and forty-eight (148); necessary to a choice seventy-five (75).

No one having received a majority of all the votes cast, the President of the Senate announced that there was no choice, and, on motion, the joint convention took a recess until three o'clock.

The Speaker called the House to order, and, on motion, adjourned until half-past two o'clock.

THURSDAY, 2½ O'CLOCK, P. M.

The House met.

Message from the Governor, by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 21, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House, that he has approved and signed Enrolled Act No. 32, entitled An Act appropriating seventy-five thousand dollars, to defray the expenses of the Forty-sixth session of the General Assembly, and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

On motion, a call of the House was had:

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cun-

ningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kerchival, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Minor, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Peele, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—99.

JOINT CONVENTION.

The hour having arrived for the re-assembling of the Joint Convention; Mr. Cravens took the Chair, and the Clerk proceeded to call the roll of members on the sixth ballot for United States Senator.

On the part of the House, those who voted for Mr Cumback were,

Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmeyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St Joseph, Wilson and Mr. Speaker—45.

On the part of the Senate, those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—21.

On the part of the House, those who voted for Mr. Hendricks were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert,

Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFaddin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—44.

On the part of the Senate, those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffinan, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Sherrod, Smith and Taggart—18.

On the part of the House, those who voted for Mr. Frazier were, Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo and Taber—9.

On the part of the Senate, those who voted for Mr. Frazer were, Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott and Wolcott—9.

On the part of the House Mr. Cumback received.....	45 votes.
On the part of the Senate.....	21 votes.

Total for Cumback.....	66 votes.
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On the part of the House Mr. Hendricks received.....	44 votes.
On the part of the Senate.....	18 votes.

Total for Hendricks.....	62 votes.
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On the part of the House Mr. Frazer received.....	9 votes.
On the part of the Senate.....	9 votes.

Total for Frazier.....	18 votes.
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Mr. Houghton pairing off with Mr. Turner.

Mr. Williams of Union pairing off with Mr. Ghormley.

Whole number of votes cast for United States Senator one hundred and forty-six (146).

Necessary to a choice seventy-four (74).

No one having received a majority of all the votes cast, the President declared that there was no choice, whereupon the Clerk proceed to call the roll for the seventh ballott.

On the part of the House those who voted for Mr. Cumback were :

Messrs. Barnett, Beeler, Bowen, Breekinridge, Buskirk, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kereheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—45.

On the part of the Senate, those who voted for Mr. Cumback were :

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—21.

On the part of the House, those who voted for Mr. Hughes were :

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Dittimore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Moek, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Welborn, Wile, Williams of Knox, Zenor and Zollars—40.

On part of the Senate, those who voted for Mr. Hughes were :

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Sherrod, Smith and Taggart—18.

On the part of the House, those who voted for Mr. Frazer were,

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo and Taber—9.

On the part of the Senate those who voted for Mr. Frazer were,
Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley,
Scott, Stein and Wolcott—9.

On the part of the House, those who voted for Mr. Hendricks
were,

Messrs. Bobo, Cory, Cunningham and Tebbs—4.

On the part of the Senate, Mr. Hendricks received no votes.

On the part of the House Mr. Cumback received.....	45 votes.
On the part of the Senate.....	21 “
Total for Cumback.....	66 votes.

On the part of the House Mr. Hendricks received.....	4 votes.
On the part of the Senate.....	..
Total for Hendricks.....	4 votes.

On the part of the House Mr. Hughes received.....	40 votes.
On the part of the Senate.....	18 votes.
Total for Hughes.....	58 votes.

On the part of the House Mr. Frazer received.....	9 votes.
On the part of the Senate.....	9 votes.
Total for Frazer.....	18 votes.

Mr. Houghton pairing off with Mr. Turner, and Mr. Williams
of Union pairing off with Mr. Ghormley.

Whole number of votes cast for United States Senator, one
hundred and forty-six (146.)

Necessary to a choice, seventy-four (74.)

No one having received a majority of all the votes cast, the
President declared that there was no choice.

The Clerk proceeded to call the roll for the eighth ballot.

On the part of the House those who voted for Mr. Cumback were,
Messrs. Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chitten-

den, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmeyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—45.

On the part of the Senate those who voted for Mr. Cumback were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—21.

On the part of the House those who voted for Mr. Hughes were :

Messrs. Addison, Admire, Barrett, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFaddin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peale, Shoaff, Shoemaker, Sleeth, Sunman, Welborn, Wile, Williams of Knox, Zenor and Zollars—40.

On the part of the Senate those who voted for Mr. Hughes were :

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Lee, Morgan, Sherrod, Smith and Taggart—18.

On the part of the House those who voted for Mr. Frazer were :

Messrs. Baker, Chapman, Davidson, Davis, Higbee, Mitchell, Monroe, Pierce of Vigo and Taber—9.

On the part of the Senate those who voted for Mr. Frazer were :

Messrs. Beardsley, Cravens, Fosdick, Hooper, Hughes, Kinley, Scott, Stein and Wolcott—9.

On the part of the House those who voted for Mr. Hendricks were :

Messrs. Bobo, Cory, Cunningham and Tebbs—4.

On the part of the Senate Mr. Hendricks received no votes.

On the part of the House Mr. Cumback received..... 45 votes.

On the part of the Senate..... 21 votes.

Total for Cumback 66 votes

On the part of the House Mr. Hughes received..... 40 votes.

On the part of the Senate..... 18 votes.

Total for Hughes..... 58 votes.

On the part of the House Mr. Hendricks received..... 4 votes.

On the part of the Senate..... 0 votes.

Total for Hendricks..... 4 votes.

On the part of the House Mr. Frazer received..... 9 votes.

On the part of the Senate..... 9 votes.

Total for Frazer..... 18 votes.

Mr. Houghton pairing off with Mr. Turner.

Mr. Williams of Union pairing off with Mr. Ghormley.

The whole number of votes cast for United States Senator was one hundred and forty-six.

Necessary to a choice seventy-four.

No one having received a majority of all the votes cast, the President announced that there was no choice.

The President pronounced the Convention adjourned.

The Speaker called the House to order.

Mr. Dittmore moved that the House adjourn.

Which was agreed to.

FRIDAY MORNING, 10 o'clock, }
January 22, 1869. }

The House met.

Mr. Underwood moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Johnson, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have carefully compared enrolled House bill No. 58 with the original, and report that the same is properly enrolled.

Messrs. Cotton and Johnson of Marshall, asked and obtained leave of absence until Monday at two o'clock.

Mr. Underwood moved that when the House adjourns it stand adjourned until Monday at 2½ o'clock, provided that a United States Senator was elected.

Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Osborn, Chairman of the Special Committee on Railroads, offered the following resolution:

Resolved, That the President and Secretary of the Terre Haute and Indianapolis Railroad be, and they are hereby, required to furnish a correct statement, under oath of each of them, showing the aggregate amount of dividends declared to this date—the amount of expenditures for the years 1865, 1866, 1867, 1868, with a statement of the account on which they were expended, the amount of receipts for each of the years named, the amount of profits, the amount of capital stock at this date.

2d. That they also be required to furnish the amount paid by the

State of Indiana for the transportation of troops, munitions of war and provisions during the late rebellion.

3d. That the Clerk of the House cause a copy of these resolutions and requirements to be placed in the hands of said President and Secretary immediately.

Which was concurred in.

Mr. Zollars, from the Committee on Elections, made the following report to the House of Representatives :

Your Committee on Elections would respectfully represent that they have had before them the contested election case of James A. Thornton, of Laporte county, contestor against Simeon Wile, of the same county, contestee, for a seat upon this floor, and they find that no notice of contest was given as required by law, for which reason they report and recommend that the sitting member is entitled to, and be allowed to retain his seat in this House as a member thereof. All of which is respectfully submitted.

Which was concurred in.

Mr. Wile offered the following resolution :

Resolved, That Mr. James A. Thornton be allowed mileage and per diem for the time of which this protest was pending in this House while in attendance.

By consent the resolution was agreed to.

Mr. Stephenson, from the Special Committee on Senate bill No. 32, made the following report :

MR. SPEAKER :

Your Special Committee, to whom was referred Senate bill No. 32, beg leave to report that the same be amended by striking out the word Hamilton wherever the same occurs, and substituting the word Madison ; and striking out the word Madison, where the same occurs, and substituting the word Hamilton, and as so amended they recommend its passage.

Which was laid on the table.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. McFadin presented a petition from citizens of Antioch on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Coffroth presented a petition from citizens of Antioch on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Coffroth presented a petition from citizens of Huntington County, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Dittmore presented two petitions from citizens of Owen County, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wildman presented a petition from E. C. Leach and forty-eight other persons, on the evil growing out of railroad monopolies; also, one other petition from Armstrong, Nixon & Co., and forty-six other citizens of Kokomo, on the same subject.

Which was referred to the Special Committee on Railroads.

Mr. Wildman presented a petition from citizens of Perryville, Ind., on the subject of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Williams of Union, presented two petitions from citizens of St. Joseph County on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Vardeman offered a petition from sundry citizens of Randolph County, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Williams offered three petitions from sundry citizens of Star City on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Smith presented a petition from J. W. Winslow and one

hundred and twenty-one other citizens of this State, on the evils growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Williams, of Union, presented the following petition from citizens of Union on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Mitchell presented three petitions from sundry citizens of Morgan county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Smith presented a petition from citizens of Wabash county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Stewart, of Ohio and Switzerland, offered two petitions signed by fifty citizens of Switzerland county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Welborn, of Vanderburgh, presented the following petition from citizens of Vanderburgh on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Stewart, of Ripley, presented a petition from citizens of Ripley county on the subject of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. McFadin offered a petition, signed by ninety-seven citizens of Cass county, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Long presented a petition from citizens of Meora, Indiana, praying for a law to prevent the railroads of this State from combining or consolidating with roads out of the State.

Which was referred to the Special Committee on Railroads.

Mr. Palmer presented a petition from H. Gaddis and thirty-four other citizens of Clinton county on the subject of evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Osborn offered a petition from J. M. Nees, et al, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Britton presented a petition from citizens of DeKalb county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Neff presented three petitions from the citizens of Putnam county, on the evil growing out of railroad monopolies.

Which were referred to the Special Committee on Railroads.

Mr. Gordon presented three petitions from sundry citizens of Boone county, on the subject of the evils growing out of railroad monopolies,

Which were referred to the Special Committee on Railroads.

Mr. McGregor offered three petitions from sundry citizens of Clay county, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Odell presented two petitions from citizens of Shelby county, on the evil growing out of railroad monopolies.

Which were referred to the Special Committee on Railroads.

Mr. Higbee presented a petition from sundry citizens of Kosciusko county, praying for a law to suppress the evil growing out of the combination of railroads.

Which was referred to the Special Committee on Railroads.

Mr. Mason presented a petition from sundry citizens, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Taber presented a petition from a number of citizens of Noble county, on the subject of evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Lawler presented a petition from citizens of Washington county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. McBride presented a petition from J. J. Haws and fifty other citizens of Clark county, on the subject of the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Overmyer presented a petition from citizens of Jennings county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Mock presented a petition from sundry citizens of Madison county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Johnson of Montgomery presented a petition from citizens of Montgomery county, praying for a law to suppress the evil growing out of a combination of railroads.

Which was referred to the Special Committee on Railroads.

Mr. Zollars presented a petition from citizens of Allen county, on the the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Lamborn presented three petitions from sundry citizens of Johnson and Benton counties, on the evil growing out of railroad monopolies.

Which were referred to the Special Committee on Railroads.

Mr. Monroe presented a petition from citizens of Jefferson county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Monroe presented a communication from Hon. T. B. McCarty, Auditor of State, in regrad to monies paid out for police services. Also, a communication from the same gentleman, with accompanying claim of the Louisville and Nashville Railroad Company.

Which was referred to the Committee on Claims.

Mr. Beeler presented two petitions from sundry citizens of Marion county, praying for a law to suppress the evils growing out of a combination of railroads.

Which were referred to Special Committee on Railroads.

Mr. Millekan presented a petition from sundry citizens of the State, praying that a suitable prison for women and a girls' reformatory, to which young girls arrested in a life of vice can be legally

sent, would respectfully request you to take the necessary steps for the erection of such institutions.

Which was referred to the Special Committee on Female Prisons.

Mr. Vater presented a petition from citizens of Marion county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Williams, of Hamilton, presented a petition from citizens of Hamilton county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Cunningham presented a petition from sundry citizens of Fountain county, praying for a law to suppress the evils growing out of a combination of railroads.

Which was referred to the Special Committee on Railroads.

Mr. Barritt presented a petition from sundry citizens of Bartholomew county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Chapman asked and obtained leave of absence until Monday.

INTRODUCTION OF BILLS.

Mr. Welborn introduced House bill No. 95, "A bill for the relief of John Ingle and John Ingle jr,"

Which was read a first time and passed to a second reading.

Mr. Underwood introduced House bill No. 96: A bill authorizing married women to effect insurance upon the lives of their husbands; exempting the proceeds of the same from the claims of the representatives and creditors of the husband, where the annual premium does not exceed \$300 00; providing for the payment of such insurance to the children of such husband and wife, or the children of either in certain contingencies, and declaring an emergency.

Which was read a first time and referred to the Committee on Insurance.

Mr. Skidmore introduced

House bill No. 97. A bill authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction relating to the school fund, common and congressional, as required by act approved December 21, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Beeler introduced

House joint resolution No. 4. A joint resolution requesting our Representatives and instructing our Senators in Congress to use their influence in procuring the passage of such laws as will provide for the purchase of all the telegraph lines now in use, in order that the telegraph system of the country may be connected with the postal system of the same, for the purpose of securing lower rates of charges than are now charged by the various lines of telegraph.

Which was read a first time, and referred to the Committee on Federal Relations.

Mr. Barritt introduced

House bill No. 98, entitled a bill to provide for the protection of fish.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Dunn introduced

House bill No. 99. A bill for the appointment of official reporters in the Courts of the State.

Which was read a first time, and referred to the Committee on Organization of Courts.

The Speaker announced the following Special Committee on House bill No. 75:

Messrs. Stewart of Rush, Wilson, Overmyer, Barritt, Long and Monroe.

Mr. Bowen introduced

House bill No. 100. A bill to amend the tenth section of an act providing for the election and qualification of Justices of the Peace.

and defining their jurisdiction, powers and duties, in civil cases, approved June 9, 1865.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Coffroth introduced

House bill No. 101, entitled a bill to repeal the License Law of March 5, 1859.

Which was read a first time, and referred to Committee on Temperance.

Mr. Beeler introduced

House bill No. 102. A bill to increase the compensation of jurors.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Barritt introduced

A joint resolution in relation to the finances of the country.

Which was read a first time, and referred to the Committee on Federal Relations.

Mr. Osborn introduced

House bill No. 103, entitled a bill declaring certain contracts to pay attorneys fees, void.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Palmer introduced

House bill No. 104. A bill to amend Section 397 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of actions at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved January 18, 1852.

Which was read a first time, and referred to Committee on the Judiciary.

Mr. Cunningham offered the following resolution :

WHEREAS, There are pending important changes in the school law of the State, and it is desirable to have it as complete as possible, therefore,

Resolved, That the Superintendent of Public Instruction be requested to furnish to this Assembly, as far as is practicable for him to do so, the amount of taxation on each one hundred dollars levied for common schools, and the amount of school funds in the several States of the Union.

Which was agreed to.

Mr. Stewart, of Rush, introduced

House bill No. 105. A bill to regulate and make uniform the prices charged by Railroad Companies for transporting goods, merchandise and material to and from stations on Railroads in this State.

Which was read a first time.

Mr. Osborn moved that the constitutional rule be suspended, and that the bill be read a second time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Britton, Breckinridge, Calvert, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Hyatt, Kercheval, Lawler, Logan, Long, McFadin, Millekan, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton and Williams of Knox—56.

Those who voted in the negative were,

Messrs. Admire, Carnahan, Case, Cox, Cunningham, Davidson, Dittemore, Fuller, Higbee, Johnson of Montgomery, Johnson of St. Joseph, Jump, Lamborn, McBride, McDonald, McGregor, Miles,

Minor, Peale, Ratliff, Sabin, Shoemaker, Stephenson, Sunman, Taber, Wilson, Zenor and Zollars—28.

So it was deemed expedient to suspend the constitutional rule, and House bill No. 105 was read a second time by its title, and referred to the Committee on Railroads.

The communication from the Doorkeeper asking for an additional force for the purpose of taking care of the Hall of the House, was taken up, and on motion of Mr. Pierce, of Porter, was referred to a select committee of five,

Which was made to consist of Messrs. Pierce of Porter, Ratliff, Mason, Williams of Knox and McFadin.

Mr. Long introduced

House bill No. 106. Entitled a bill to repeal an act entitled "An act for the repeal of statutes not in conformity with the ruling of the Supreme Court in the case of Langdon against Applegate and others, and limiting actions arising out of the same, or for a violation thereof," approved March 9, 1837.

Which was read a first time, and referred to the Judiciary Committee.

Mr. Vardeman introduced

House bill No. 107. A bill to amend an act entitled "An act for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved Dec. 21, 1858.

Which was read a first time and referred to Committee on the Judiciary.

Mr. Vater introduced

House bill No. 108. A bill fixing the time of holding the general election throughout the State, and repealing all laws inconsistent to its provisions.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Wildman introduced

House bill No. 108. "A bill to amend the third section of an act for the regulation of weights and measures," approved June 9, 1852.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Cave introduced

House bill No. 110. A bill to amend section 47 of an act entitled "An act to provide for the opening, vacating, and changing of highways," approved June 17, 1852.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Ratliff introduced

House bill No. 111. A bill to amend section 78 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stewart of Ohio obtained leave of absence until Tuesday.

Mr. Overmyer moved that the House take a recess of ten minutes.

Which was agreed to.

The Speaker called the House to order, and, on motion a call of the House was ordered.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker.

SPECIAL ORDER FOR THE DAY.

The hour of twelve o'clock "M" having arrived, being the time for the re-assembling of the Joint Convention, for the purpose of electing a United States Senator, the Senate came into the Hall of the House of Representatives, and took seats on the right of the Speaker.

Hon. Will Cumback, President of the Senate, took the Chair, and called the Joint Convention to order.

The President announced that nominations were now in order.

Mr. Hanna nominated Hon. Thomas A. Hendricks.

Mr. Robinson of Madison nominated Hon. Daniel D. Pratt.

No further nominations, the Clerk proceeded to call the roll for the eighth ballot.

On the part of the House, those who voted for Mr. Pratt were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of St. Joseph, Jump, Kerchival, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—52.

On the part of the Senate, those who voted for Mr. Pratt were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—31.

On the part of the House, those who voted for Mr. Hendricks were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cox, Cunningham, Dittemore,

Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Shoaff, Shoemaker, Sleeth, Sunnan, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollers—42.

On the part of the Senate, those who voted for Mr. Hendricks were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Lasselle, Lee, Morgan, Sherrod, Smith, Taggart and Turner—18.

On the part of the House, on the eighth ballot,

Mr. Pratt received	52
On the part of the Senate	31
Total vote for Mr. Pratt	83

On the part of the House,

Mr. Hendricks received	42
On the part of the Senate	18
Total for Mr. Hendricks	60

The Hon. Daniel D. Pratt, having received a majority of all the votes cast, the President of the Senate declared him duly elected Senator in the Senate of the United States, for the term of six years from and after the 4th day of March next.

Whereupon the President declared the Joint Convention adjourned *sine die*.

Messrs. Cunningham, Hutchings, Kercheval, Lawler, Cave, Shoaff, McFadin, Williams of Knox, and Barritt, obtained leave of absence until Tuesday next.

Mr. McFadin moved that the vote by which the House had agreed to adjourn until Monday be reconsidered.

Which was agreed to.

Mr. Coffroth moved that when the House adjourn, it shall be until 10 o'clock Tuesday morning.

Messrs. Gordon and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bobo, Bowen, Chapman, Cofroth, Cory, Cox, Cunningham, Dittemore, Dunn, Fairchild, Hamilton, Higbee, Hutchings, Jump, Lawler, Lamborn, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Overmyer, Palmer, Pealle, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Sleeth, Smith, Stewart of Ohio, Sunman, Underwood, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson and Zollars—50.

Those who voted in the negative were,

Messrs. Admire, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Davis, Davidson, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Logan, Miller, Monroe, Ratliff, Sabin, Shoemaker, Skidmore, Stephenson, Stewart of Rush, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Zenor and Mr. Speaker—39.

So the motion to adjourn prevailed.

On motion, the House adjourned.

TUESDAY MORNING, 10 O'CLOCK, }
January 26th, 1869. }

The House met.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chittenden, Cory, Cotton, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Hutchings, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Lawler, Lamborn, McGregor, Miles, Miner, Mock, Neff, Osborn, Overmyer, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—67.

Mr. Mason was granted leave of absence until Tuesday morning next.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 8, entitled "An act authorizing appraisers of real estate to appoint deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and to legalize appointments of deputies heretofore made by appraisers and Boards of County Commissioners, and declaring an emergency.

The Clerk proceeded to read the Journal, when on motion of Mr. Cory, the further reading was dispensed with, until to-morrow morning.

Mr. Cory asked leave of absence for the Committee on Prisons to visit the Prisons.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Bates, Beeler, Bobo, Breckinridge, Buskirk, Calvert, Carnahan, Chittenden, Cory, Cotton, Cox, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Lawler, Lamborn, Logan, McBride, McFadin, McGregor, Miner, Mock, Montgomery, Neff, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—74.

There being a quorum present, the motion to grant leave of absence to the Committees on the State Prisons was agreed to.

Mr. Wile obtained leave and offered the following preamble and resolution :

WHEREAS, The interests of the State in the management of affairs of the respective Prisons, North and South, demands a full and complete investigation of its workings: Therefore,

Be it resolved, That the Committee on Prisons be, and is hereby, empowered to send for persons and papers to enable them to get at the facts connected therewith.

Which was agreed to.

Mr. Wildman offered a petition signed by sundry citizens of Howard county, asking you to make such enactments as will enable the colored children to receive equal educational facilities with the other children of the State.

Which was referred to the Committee on Education.

Mr. Cory presented two petitions from citizens of Franklin county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Jump presented a petition from citizens of Delaware county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Johnson of Parke, presented a petition from sundry citizens in regard to the evil growing out of the monopolies of Railroad Companies.

Which was referred to the Committee on Railroads.

Mr. Stewart presented a petition from citizens of Switzerland county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Breckinridge presented a petition signed by sundry citizens of Tippecanoe county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Davidson presented a petition from citizens of the State on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Taber presented two petitions from citizens of Noble county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Gordon presented a petition from sundry citizens, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Buskirk presented a petition from sundry citizens, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wilson presented a petition from citizens of Bloomington, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wilson presented a petition from citizens of Jefferson county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Sleeth presented several petitions from the citizens of Burnsville, on the evil growing out of railroad monopolies.

Which were referred to the Special Committee on Railroads.

Mr. Shoaff presented a petition from citizens of Jay county, on the evil growing out of monopolies of railroads.

Which was referred to the Committee on Railroads.

Mr. Ruddell presented several petitions, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Dittmore presented a petition from citizens of Owen county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Vater presented a petition from the citizens of Marion county, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. McFadin presented a petition from the citizens of Cass county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Barnett presented a petition from sundry citizens, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Lamborn presented a petition from citizens of White county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Odell presented a petition from sundry citizens on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Bates presented a petition from citizens of Orange county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Williams presented a petition from citizens of Hamilton county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Stewart, of Rush, presented a petition from sundry citizens of Rossburg on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Field, of Lagrange, presented a petition from citizens of Lagrange county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Greene presented a petition from sundry citizens of Homer, Indiana, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wile presented a petition from citizens of Laporte county on the evils of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Vardeman presented a petition from citizens of Randolph county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Hyatt presented a petition from sundry citizens of Daviess county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Hutchings presented a petition from citizens of Scott county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Miller presented a petition from sundry citizens of Wabash county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Baker presented a petition from sundry citizens asking you to erect an Institution where girls arrested in a life of vice can legally be sent.

Which was referred to the Committee on Prisons.

Mr. Britton presented a petition from citizens of DeKalb county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Barnett presented a petition signed by sundry citizens of Marshall county, on the evils growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. McBride presented a petition from Clark county, on the evil growing out of railroad monopolies.

Which was referred to the special Committee on Railroads.

Mr. Speaker presented petitions from citizens of the State on the evil growing out of railroad monopolies.

Which was referred to the special Committee on Railroads.

Mr. Miner presented a petition in regard to the Appraisers of Real Estate of the 9th Congressional District.

Which was referred to the Committee on County and Township Business.

REPORTS OF STANDING COMMITTEES.

Mr. Bobo, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 3, a bill to provide for the appointment of suitable persons to hold the Common Pleas Court during the absence of the Common Pleas Judge, for any part of any term of said Court, and prescribing certain duties of clerks and sheriffs of said Courts, have considered the same, and directed me to report the same back with an amendment, and when so amended they recommend its passage.

Strike out the word "regular," in the first section, line seven, and insert the word "special."

Which, on motion, was laid on the table.

The motion recurring on the original report, it was laid on the table.

Mr. Dunn, of Lawrence, offered the following resolution :

Resolved, That Messrs. Wilson, of Ripley, and Welborn, of Vanderburg, be added to the Judiciary Committee.

Which was agreed to.

Mr. Gilham, from the Committee on Education, presented

House bill No. 112, A bill fixing the salary of the Superintendent of Public Instruction, and prescribing the time and manner of its payment.

Read a first time, and referred to the Committee on Fees and Salaries.

Mr. Vater, from the Committee on Education, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 20, a bill to amend sections one and fourteen of "An act to provide for a system of common schools," &c., and House bill No. 45, a bill repealing all laws which discriminate between races in raising revenue, and providing for common schools, &c., have had the same under consideration, and respectfully report favorably to the objects of both bills, but, for the purpose of perspicuity, recommend the passage of the following substitute, and the indefinite postponement of the original bills.

Substitute for House bills Nos. 20 and 45. A bill to provide for the education of colored children, applying all school laws thereto, and repealing all laws inconsistent herewith.

When on motion by Mr. Osborn, the report and bill was made a special order for two and a half o'clock, to-morrow.

Mr. McGregor from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House bill No. 110, A bill to amend section 47 of an act entitled "An act to provide for the opening, vacating and change of high-

ways," approved June 17, 1852, have had the same under consideration, and direct me to report the same back to the House with the following amendment, viz:

Strike out the words "Two Dollars," and insert the words "One Dollar and Fifty Cents," and recommend its passage.

Which was laid on the table.

Mr. Wilson from the Committee on Fees and Salaries, made the following report:

MR SPEAKER:

The Committee on Fees and Salaries, to whom was referred House bill No. 83, A bill to amend sections 16, 17, and 18 of an act entitled "An act regulating the fees of officers, and repealing all former acts in relation thereto," approved March 2, 1855, and declaring an emergency, have had the same under consideration, and request me to report the same back with amendment, and recommend its passage.

Which was laid on the table.

Mr. Zollars from the Special Committee on Resolutions, made the following report:

MR. SPEAKER:

The Special Committee on Resolutions, to whom was referred a resolution to examine a late decision in the 28th Indiana Reports, and report to this House.

Your Committee recommend that the ruling of the court in the above case be adopted as the practice of this House.

Which was concurred in.

BILLS INTRODUCED.

Mr. McFadin obtained leave and offered the following preamble and resolution:

WHEREAS, It has been reduced to a moral certainty, and become a notorious fact, that most, if not all the mail matter, papers, etc., sent by the members of this House through the Post Office fail to reach their destination in due time, sometimes being a week late,

if received at all, showing gross neglect on the part of the Post Office Department in this city, or other places, therefore, be it

Resolved, That a Special Committee of three be appointed by the Speaker on behalf of the House to investigate and correct the wrong if possible, and report to this House.

It was agreed to.

Whereupon, the Speaker appointed the following committee :

Messrs. McFadin, Sleeth and Pierce of Vigo.

Mr. Zollers offered the following resolution :

Resolved, That the Committee on the Judiciary, to whom was referred House bill No. 5, be instructed to report back the same without amendment.

Which was passed over informally.

Mr. Dittemore, by leave, offered the following resolution :

Resolved, That the Special Committee on Railroads be requested to report progress thereon to the House on the 8th day of February, 1869.

Which was not agreed to.

Mr. Stewart, of Ohio, moved to suspend the regular order of business for the introduction of bills.

Which was not agreed to.

The Speaker announced that he had signed House enrolled act No. 8.

Mr. Overmyer, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills, have examined House bill No. 8, and have compared it with the enrolled act, and beg leave to report that it is correctly enrolled.

Mr. Buskirk moved to suspend the regular order of business and take up House bill No. 58.

Which was agreed to.

H. J.—17.

House bill No. 58. A bill for the government of appraisers of real estate, and assessors of personal property.

Which was read a third time.

The question being, shall the bill pass?

Pending which,

Mr. Ratliff moved that the House adjourn.

Which was agreed to.

TUESDAY, 2½ O'CLOCK.

The House met.

Pending the adjournment, the question being, shall House bill No. 58 pass?

Mr. Wildman moved to recommit the bill to the Committee on Ways and Means, with instructions.

Which motion was ruled out of order by the Speaker.

Mr. Coffroth asked the unanimous consent of the House to offer an amendment.

Which was not agreed to.

Mr. Gordon moved to postpone the further consideration of the bill until 3 o'clock on Thursday next, and make it the special order for that hour.

Which was not agreed to.

Mr. Coffroth moved to recommit to the Committee on Ways and Means, with instructions to strike out of the sixth line of the first section the following words: "Made after the year 1869."

Which was not agreed to.

The question recurring on the passage of the bill,

Mr. Coffroth moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Bobo, Britton, Buskirk, Calvert, Carnahan, Coffroth, Cotton, Cox, Dittemore, Fuller, Furnas, Greene, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Shoaff, Shoemaker, Smith, Stewart of Rush, Tebbs, Welborn, Wile, Zenor and Zollars—42.

Those who voted in the negative were,

Messrs. Barritt, Beeler, Bowen, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Johnson of Parke, Johnson of St. Joseph, Jump, Millekan, Miner, Mitchell, Osborn, Overmyer, Peele, Pierce of Porter, Ratliff, Sabin, Skidmore, Sleeth, Stevenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—43.

So the bill did not pass.

The following communication was laid before the House by the Speaker:

INDIANAPOLIS, January 26, 1869.

HON. A. B. STANTON,

Speaker of House of Representatives, Indianapolis:

SIR:—The undersigned, Trustees of the Indiana Soldiers' and Seamen's Home, Knightstown, Ind., would respectfully invite the

members of the House of Representatives to visit the Home on Saturday next, 30th inst.

A train will leave the Union Depot at 10 o'clock A. M., and return at 8 50 P. M.

Conveyances will be in readiness at the Depot at Knightstown, to carry members to and from the Home.

Very respectfully,

H. B. HILL,
WM. HANNAMAN.

Mr. Pierce of Porter, moved to accept the invitation.

Which was agreed to.

Mr. Dittmore moved that the House do now adjourn.

Which was not agreed to.

Mr. Overmyer asked leave of absence for the Committee on the Organization of Courts.

Which was granted.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in House Concurrent Resolution, in reference to Morgan Raid claims.

WHEREAS, the Governor, under a concurrent resolution of the last General Assembly appointed a commission consisting of Hon. John J. Morrison, Col. Smith Vawter, Col. John McCrea and Gen. Thomas M. Brown, Attorney, to hear, determine and adjust the claims of citizens of the State known as the "Morgan Raid Claims."

AND WHEREAS, the said commission has performed its work, and reported to the Governor, therefore

Resolved by the House of Representatives, (the Senate concurring.) That two hundred copies of the report of the commission and the supplementary report, be printed for the use of the members.

Mr. Vater moved to concur in the action of the Senate, and no quorum voting.

On motion by Mr. Cotton, the House adjourned.

WEDNESDAY MORNING, 10 o'CLOCK, }
January 27, 1869. }

The House met.

The Journals of Friday and yesterday were read and approved.

Mr. Overmyer presented two petitions from sundry citizens of Scipio, Indiana, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Underwood presented a petition from the grand and traverse jurors of Orange Circuit Court, on the subject of juror's fees.

Which was referred to Committee on Fees and Salaries.

Mr. Stephenson presented a petition from citizens of Hamilton county, praying for a law to suppress the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Coffroth presented a petition, signed by sundry citizens of Huntington county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Furnas presented a petition from the citizens of Hendricks county on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Hall presented a petition from a number of citizens of Warren county on the subject of Texas cattle disease, and asking an appropriation.

Which was referred to the Committee on Claims.

Mr. Sleeth presented a petition, signed by one hundred and six citizens of Jonesville, Indiana, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Pierce presented a petition, signed by sundry citizens of Vigo county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Chapman presented two petitions, signed by sundry citizens, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Addison presented two petitions from citizens of Hancock county, praying for a law to suppress the evils growing out of a combination of railroads.

Which was referred to the Special Committee on Railroads.

Mr. McGregor presented a petition from a number of citizens of Clay county, on the subject of evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Furnas presented a petition, signed by Mayor Macauley and others, in regard to erecting a suitable prison for females.

Which was referred to the Special Committee on Female Prisons.

Mr. Hutson presented a petition from citizens of Gibson county, praying for a law to suppress the evil growing out of a combination of railroads.

Which was referred to the Special Committee on Railroads.

Mr. Williams, of Union, presented a petition from several citizens of Union county, on the subject of evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Ratliff presented a petition from sundry citizens of Grant county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Stephenson presented a petition from citizens of Hamilton county, on the subject of legalizing certain acts of the corporation of the town of Noblesville.

Which was referred to the Committee on Education.

Mr. Shoemaker presented a petition from twenty-eight citizens of Perry county, on the subject of evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Mitchell presented a petition from sundry citizens of Morgan county, containing forty-seven names, on the subject of railroad extortion.

Which was referred to the Special Committee on Railroads.

Mr. Higgins presented two petitions from sundry citizens of Boone and Clinton counties, asking for protection against the monopolies of railroads.

Which were referred to the special committee on railroads, without reading.

Mr. Sabin presented a claim from Hon. Cyrus T. Nixon, for services and mileage.

Which was referred to the Committee on Claims.

Mr. Higgins presented a petition from sundry citizens of Boone county, against any repeal of the present gravel road law.

Which was referred to the Committee on Roads, without reading.

The Speaker laid before the House a communication from the Trustees of the State Normal School, requesting the House of Representatives, in a body, to visit the City of Terre Haute for the purpose of inspecting the Normal School building, and examining the proceedings of the Board.

Mr. Underwood moved that the invitation be accepted.

Mr. Gordon moved that the invitation be indefinitely postponed.

Mr. Underwood moved the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion of Mr. Gordon to indefinitely postpone,

It was not agreed to.

The question recurring on the motion of Mr. Underwood to accept the invitation,

Messrs. McFadin and Davidson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cotton, Cox, Dittemore, Fairehild, Field of Lagrange, Furnas, Gilham, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Jump, Kereheval, Lawler, Mason, McBride, McDonald, McGregor, Miner, Mitchell, Mock, Montgomery, Neff, Overmyer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Sunman, Tabor, Tebbs, Underwood, Varde-
man, Vater, Welborn, Wile, Wildman, Williams of St. Joseph, Wilson and Zollars—60.

Those who voted in the negative were,

Messrs. Admire, Bates, Davidson, Dunn, Fuller, Gordon, Higgins, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Logan, McFadin, Millekan, Miller, Odell, Osborn, Palmer, Sabin, Shoemaker, Smith, Stewart of Rush, Williams of Hamilton, Williams of Knox, Zenor, and Mr. Speaker—25.

So the invitation was accepted

Mr. Ratliff offered the following resolution:

Resolved, By this House, that the invitation extended to the members to visit Terre Haute, for the purpose of examining the condition of the State Normal School building, be accepted, providing said visit can be made on Saturday, Feb. 6.

Which was agreed to.

Message from the Governor by Mr. Commons, his private secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 25, 1869. }

MR. SPEAKER:

I am directed by the Governor to transmit to the House a communication in regard to the claims of Azza Harrison and others.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the House of Representatives :

A copy of a concurrent resolution of the Senate and House of Representatives (which, I believe originated in the latter) has been placed in my hands, instructing me to "pay to Daniel Harrison, Azza Harrison, Otho Harrison, George L. Farmer, Richard Gladdish, William H. Gladdish and Robert Willis, citizens of Pike county, Indiana, the sum of \$914 95, for moneys expended by them in procuring the release from prison of Daniel Harrison, a citizen of Indiana, illegally held in custody at Macon, Mississippi, said money to be paid out of the sum appropriated by the last General Assembly, for this and like purposes, and named in section 18 of the act making general appropriations of said session."

There is nothing in the resolution to indicate that the persons therein named were each allowed a definite amount; but the presumption, from the language of the resolution would be, that the claim was a joint one, and the allowance a joint allowance to all the claimants. From extraneous information, however, I learn that it was intended to make a separate allowance to each of the claimants named in the resolution, as follows, viz :

To Daniel Harrison.....	\$433 75
To Azza Harrison.....	68 40
To Otho Harrison.....	165 15
To George L. Farmer.....	163 65
To Richard Gladdish.....	36 00
To Wm. H. Gladdish.....	24 00
To Robert Willis.....	24 00
Total.....	<hr/> \$914 95

I have accordingly drawn warrants in favor of the persons named, for the amounts above stated respectively; but, believing

that your journal should show the amount allowed to each claimant, I will retain the warrants until assured, by the action of the House of Representatives, that there is no mistake as to the amount intended to be allowed to each claimant.

CONRAD BAKER.

Which was referred to the Committee on Claims.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 22, 1869. }

MR. SPEAKER:

I am directed by the Governor to transmit to the House his Message, accompanying a copy of the Report of the Board of Trustees of the State University.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives:

I herewith transmit to the General Assembly, a Report of the Board of Trustees of the State University, supplemental to their Annual Report, made July 2, 1868, and respectfully invite your attention thereto, as it contains a more full and complete exhibit of the condition of the University, than that made in the Annual Report.

CONRAD BAKER.

Which was referred to the Committee on Education.

Mr. Pierce, of Porter, offered the following preamble and resolution:

WHEREAS, The Hon. Daniel Pratt, United States Senator elect, is at present in the city, and has signified his willingness to meet the Senate and House, at such time and place as they may designate; therefore,

Resolved, (the Senate concurring,) That Mr. Pratt be invited to meet and address the House at four o'clock this Wednesday evening.

Resolved, That a committee of three on the part of the House be appointed to wait upon Mr. Pratt, and inform him of this

action; and that the Senate be and are hereby requested to meet the House at the time indicated, and that seats be prepared for the Senators as usual on the right of the Speaker.

It was agreed to.

Mr. Barritt moved to suspend the regular order of business, for the purpose of introducing bills.

It was not agreed to.

Mr. McFadin, from the special committee on the delay of the mail matter sent out from the House, obtained leave and made the following report:

DELAY OF MAIL MATTER FROM THE GENERAL ASSEMBLY.

Mr. McFadin, from the select committee to inquire into the causes of delay in the transmission of mail matter from the House, etc., by unanimous consent, reported: That all mail matter is sent from Indianapolis at least as soon as the day after it is received. There was a special delay last week, occasioned by changes for improvement in the city post-office, not likely to occur again. The committee refer to the supposed inefficiency or negligence in route agents or postmasters, and ask for further time, and that these particulars be published in the city papers.

The report was concurred in. It is as follows:

MR. SPEAKER:

The committee appointed to investigate the cause of delay in transmitting the mail matter of the members of this House, respectfully submit the following report for the consideration of the House:

After consultation with Colonel Rose, Postmaster in this city, and his Chief Clerk, and after an examination of the post-office, the committee found that the manner of receiving and sending out mail matter was somewhat intricate, and perhaps would admit of some corrections that would be beneficial to the public. Large amounts of mail matter are received daily, and sometimes accumulate, but we were informed that it is all sent out, at least by the day after it is received.

The committee was also informed that there was a delay of three days last week, caused by making some improvements in the

post-office, where the mail matter is distributed, but such delay will not occur again, as the said improvements are now in working order. The committee was further informed and perhaps correctly, that one of the main causes of delay is occasioned by inefficient or negligent route or mail agents on the different railroads, and your committee asks for further time, that they may investigate and find out if possible, any such negligent or inefficient route agent or postmaster, and report them to the proper authorities at Washington City, and have them removed, and suitable and faithful public servants put in their places.

In conclusion, the committee requests that this report be published in the city papers for the benefit of all concerned throughout the State, which may have the effect to correct some of the evils complained of. We find no cause of complaint up to the present time against the Postoffice Department of this House, as all the mail matter is regularly sent every day to the post office in this city by the mail carrier belonging to the House.

S. L. McFADIN,
J. M. SLEETH,
J. N. PIERCE.

Message from the Senate by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed concurrent resolution herewith submitted to the House, providing for a committee of seven, four on the part of the House and three on the part of the Senate, to consider the expediency of erecting a Gubernatorial Mansion.

Also, that the Senate has passed Senate Joint Resolution No. 3, instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery F, United States Artillery, and take action to repair said losses.

In which the concurrence of the House is respectfully requested.

Resolved by the Senate, (the House of Representatives concurring), That a committee to consist of seven, four on the part of the House and three on the part of the Senate, and they are hereby appointed, whose duty it shall be to take into consideration the expediency of erecting a Gubernatorial Mansion, to examine a site therefor, and to report the result of their action therein.

Mr. Pierce moved to concur in the resolution.

It was agreed to.

Senate Joint Resolution No. 3, instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery F, United States Artillery, and take action to repair said losses.

Was read a first time, and passed to a second reading.

MR. SPEAKER:

I am directed by the Senate to inform the House of the concurrence, on the part of the Senate, in House resolution directing the payment of certain moneys to Daniel Harrison and others.

Resolved by the House of Representatives, (the Senate concurring,) That His Excellency, Governor Conrad Baker, be instructed to pay to Daniel Harrison, Azza Harrison, Otho Harrison, George D. Farnum, Richard Gladdish, W. H. Gladdish and Robert Willis, citizens of Parke county, Indiana, the sum of \$914 95, for monies expended by them in procuring the release from prison of Daniel Harrison, a citizen of Indiana, illegally held in custody at Macon, Mississippi. Said money to be paid out of the sum appropriated by the last General Assembly for this and like purposes, and named in section 18 of the act making general appropriations for said Session.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate Joint-Resolution No. 4, entitled "A Joint Resolution in relation to the Harbor at Michigan City," in which the concurrence of the House is respectfully solicited. Also,

House bill No. 1, entitled "A bill to fix the times of holding the Courts in the 20th Judicial District."

Senate Joint Resolution No. 4. "A Joint Resolution relative to the Harbor at Michigan City."

Which was read a first time.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Concurrent Resolution asking the appointment of a Joint Committee, to consist of three Senators and five Representatives, on the subject of National Finances, and that the Senate has appointed on the part thereof,

Messrs. Wolcott, Fisher and Johnston of Montgomery.

Which was read and concurred in, and the Committee was made to consist of,

Messrs. Kercheval, Buskirk, Coffroth, Osborn and Dittmore.

SENATE BILLS ON SECOND READING.

Senate bill No. 2. Entitled a "Bill fixing the time of holding Circuit Courts, in the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and declaring an emergency."

Which was read a second time, and indefinitely postponed.

Senate bill No. 32. "A bill to fix the time of holding Courts in the 17th Judicial Circuit, repealing all other laws on the same subject, and declaring when the same shall take effect."

Which was read a second time, with the amendment reported by the Committee.

Mr. Wildman moved to recommit the bill.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 29. A bill to legalize the tax assessments for the year 1868 in certain incorporated cities.

Which was read a second time.

Mr. Pierce moved that the bill be ordered to be engrossed, and passed to a third reading on to-morrow.

Which was not agreed to.

House bill No. 30. A bill to amend section 9 of an act providing for the election of clerks of the Circuit Court, and prescribing some of their duties, and declaring an emergency.

Which was read a second time, and ordered to be engrossed.

House bill No. 35. A bill fixing the fees of grand and petit jurors, and repealing all acts in conflict therewith.

Which was read a second time, and ordered to be engrossed.

House bill No. 53. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prisons, and repealing all laws in conflict herewith.

Which was read a second time, and referred to the Committee on Mileage and Accounts.

House bill No. 46. A bill to legalize the sale of seminary lands in Jasper county.

Which was read a second time, and ordered to be engrossed.

House bill No. 38. A bill declaring certain contracts made by, or with common carriers void.

Which was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

House bill No. 31. A bill to amend section nine of an act entitled "An act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852, and repealing all laws in conflict therewith.

Which was read a second time with amendments.

Mr. Wilson moved that the report be concurred in, and the amendments adopted, and that the bill to be ordered engrossed, pending the consideration of the bill.

On motion by Mr. Williams of Union, the House adjourned.

WEDNESDAY, 2 O'CLOCK.

The Speaker announced the Committee on Senate Concurrent Resolution in reference to the erection of a Gubernatorial Mansion—Messrs. Ratliff, Williams of Union, Welborn and McBride.

Mr. Ratliff moved to re-consider the vote by which the House accepted the invitation of the Trustees of the State Normal School, to visit said School at Terre Haute.

Which was informally passed over on account of the Special Order.

Message from the Senate, by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House that the Senate has passed Senate bill No. 58, entitled "An act to amend section 16 of an act regulating the *fees* of officers. and repealing former acts in relation thereto," approved March 2, 1855, and respectfully request the concurrence of the House therein.

Also, that the President has signed Enrolled act No. 8 of the House, entitled "An act authorizing appraisers of real estate to appoint their deputies, and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and to legalize appointments of deputies heretofore made by appraisers and Boards of County Commissioners," and the same is herewith returned.

Also, That the Senate has concurred in the House concurrent resolution, inviting the Hon. Daniel D. Pratt, United States Senator-elect, to address the General Assembly this afternoon at 4 o'clock, and has appointed Senators Church and Lasselle to join a like Committee on the part of the House to tender such invitation.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bill No. 30, report that the same has been correctly engrossed.

Mr. Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have carefully compared Enrolled House bill No. 1 with the engrossed bill, and find it correctly enrolled.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred Engrossed House bill No. 29, "A bill to legalize the tax assessments for the year 1868, in certain incorporated cities," would report that they have carefully examined said bill and find it correctly engrossed.

SPECIAL ORDER.

The hour having arrived for the consideration of House bills Nos. 20 and 45, the same was taken up, with the substitute reported by the Committee.

Mr. Osborn moved to re-commit the bill to the Committee on Education, with instructions to report House bill No. 20 for passage, without amendment by Committee.

Which was not agreed to.

The question being, shall the report of the Committee to indefinitely postpone House bills Nos. 20 and 45 be concurred in.

Which was agreed to.

Mr. Vater, from the Committee on Education, introduced

House bill No. 113. "A bill to provide for the Education of colored children, applying all school laws thereto, and repealing all laws inconsistent therewith."

Which was read a first time.

Mr. Coffroth moved to lay the report of the Committee on the table, and that 200 copies be printed for the use of the House and Senate.

Which was agreed to.

H. J.—18

Mr. Barritt moved to reconsider the vote by which the House refused to pass House bill No. 58.

Mr. Pierce, of Porter, moved to lay the motion on the table.

Messrs. Odell and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Bowen, Chittenden, Davidson, Dunn Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Mason, Millekan, Mitchell, Pierce of Porter, Ratliff, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams of Union, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cox, Cunningham, Dittemore, Fuller, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Miller, Miles, Minor, Montgomery, Neff, Odell, Palmer, Peale, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Smith, Sleeth, Stewart of Rush, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—49.

So the motion to lay on the table did not prevail.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the President of the Senate has signed Enrolled Act No. 1, of the House, entitled, "An act to fix the times of holding the Courts in the Twentieth Judicial District," and the same is herewith returned.

The question recurring on the reconsideration of the vote by which the House refused to pass House bill No. 58.

It was agreed to.

Mr. Coffroth moved to make the bill the special order for three o'clock to-morrow.

Which was agreed to.

Message from the Governor, by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 27, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House, that he has approved and signed Enrolled Act No. 8, entitled, "An act authorizing Appraisers of Real Estate to appoint their Deputies, and authorizing Appraisers to remove their Deputies, and fixing the compensation of such Appraisers and their Deputies, and to legalize appointments of Deputies heretofore made by Appraisers and Boards of County Commissioners, and repealing all laws or parts of laws in contravention of the provisions of this act," and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

The Speaker announced that he had signed Enrolled House bill No. 1.

Pending the adjournment was a motion made by Mr. Wilson, on the adoption of the report of the committee on House bill No. 31, and order said bill to be engrossed.

Mr. Williams, of Knox, moved to recommit the bill to the committee.

Which was agreed to.

House bill No. 22. A bill to amend an act entitled, "An act authorizing the construction of Plank, Macadamized and Gravel Roads, approved May 12, 1862.

Which was read a second time.

Mr. Stewart, of Rush, moved to refer the bill to the Committee on Roads.

Which was agreed to.

House bill No. 12. A bill to amend section 5 of an act entitled, "An act to provide for equalizing the appraisement of the real property of the State of Indiana," approved May 28, 1852.

Which was read a second time and ordered to be engrossed.

House bill No. 21. A bill regulating docket fees of prosecuting attorneys in Circuit Courts, and district attorneys in Courts of Common Pleas, and before justices of the peace, and fixing the salary of district attorneys, and regulating prosecuting and district attorneys fees for prosecution on forfeited recognizance.

Which was read a second time, the amendments were read and concurred in, and the bill ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Tebbs moved to take a recess of ten minutes.

Which was not agreed to.

House bill No. 84. A bill regulating the fees of members of the State Board of Education. After the word "education" amend by inserting the words "*other* than the Governor and Superintendent of Public Instruction."

Which was read a second time, amendment adopted, and ordered to be engrossed.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have carefully compared Engrossed House bill No. 35 with the original bill, and find it correctly engrossed.

House bill No. 69. A bill to provide for the election of County Surveyors, prescribing their duties, together with all other county officers named therein, fixing certain of their fees, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Which was read a second time with the amendments.

Pending which,

Mr. Williams of Hamilton moved that the House take a recess for five minutes.

Which was agreed to.

Four o'clock P. M. The House reassembled and the Senate entered the Hall and were seated on the right of the Speaker.

Lieutenant Governor Cumback called the Convention to order, and then introduced the Hon. D. D. Pratt, Senator elect, who proceeded to address the General Assembly.

The Lieutenant Governor—Gentlemen of the Senate and of the House of Representatives :

We have met in compliance with a concurrent resolution of both Houses, to hear the address of Daniel D. Pratt, our newly elected Senator. And permit me to congratulate you and your constituents on the wisdom of the choice you have made, while I now introduce to you the Hon. Daniel D. Pratt.

Mr. Pratt—standing at the Speaker's table—then addressed the Joint Convention.

Gentlemen of the General Assembly :

Elected by you, the Representatives of the people, to the highest office within your gift, I appear before you not to make a formal address, but simply to return you my cordial thanks for this expression of your confidence, and for the great honor you have conferred upon me.

You will all bear me witness that this result has not been brought around by any self-seeking or agency of mine.

While I cannot hope to magnify this office, or even to worthily fill it, I can only promise to bring to the discharge of its high trusts, purity of purpose and earnest zeal to serve my country.

In succeeding to the seat of the eminent Statesman and accomplished gentleman whose term will shortly expire, and in becoming the official mate of Indiana's other representative in the Senate, who commands so largely the admiration and confidence of the country for his great abilities and patriotic services, I feel painfully the want of those qualifications necessary to make me the fit successor of the one and the colleague of the other. For you know, gentlemen, that I have been until a very recent period, a private citizen, exclusively devoted to my profession, and that my studies and pursuits have not adapted me to this new sphere of duty.

You would give little heed to mere professions uttered now, when my heart is so full of gratitude for this proof of your confi-

dence and too partial estimate of my fitness. You will judge me rather by what I shall say and do in the future, when my voice shall help frame laws for the country; by the record I shall make after entering upon the discharge of my duties as Senator.

The verdict of the people at the recent National election has settled many questions left unsettled by the war. Other questions remain—rather of policy than principle—which demand for their solution the highest skill of statesmanship.

This is not a proper time, however, to do more than allude to them. While the Nation has decreed that the public debt, incurred in saving the Union from dissolution, and the country from anarchy and ruin, must be paid in good faith, yet the method, the time and manner of payment, are left, necessarily, to legislative discretion. It devolves upon Congress to devise and employ such methods as will least burden or interrupt industrial pursuits; to so adjust the taxes upon the capital, the enterprise, and consumption of the country, as will least affect the general prosperity, and make all equitably share the burden.

And so, too; while the voice of the people has indorsed the general reconstruction policy of Congress, many details remain to be settled by prudent and patriotic legislation to bring back into harmonious union the States lately in rebellion. The country demands peace, order and complete protection in those communities where the embers of the rebellion remain, fanned occasionally here and there into consuming flame. The disaffected must be made to submit absolutely to the law. Turbulence, disorder and outrages upon life and property must be stopped at every hazard. Protection from the Government is the equivalent which the citizen receives or should receive for the taxes he pays and the military service he owes and he is defrauded, and the Government dishonored, whenever it fails to render that protection to the humblest of its citizens at home as well as abroad. It is his right to enjoy the blessings of life, liberty, and the pursuit of happiness; and the Government fails in its high mission and promise when it does not secure them everywhere within the reach of its power.

The expenditures of the Government during the war, and since its close, have been large, and necessarily large. But the time has

come when the strictest economy in the administration of our affairs should begin. If there is any one thing to which both of the great parties committed and pledged themselves during the past year, when they went before the people for their suffrages, it was to the retrenchment of expenses, the abolition of unnecessary offices, the strictest accountability of public officers, and efficiency and honesty in every branch of the public service. These pledges must be redeemed. While our people pay their burdensome taxes contentedly, when satisfied they are honestly applied, they have set their faces like flint against waste of the public revenues by their servants. They demand that all our resources from taxation be sacredly applied to the reduction of the public debt as rapidly as may be; and they demand that the expenses of the Government be reduced to the lowest practicable limit consistent with its efficient administration. They demand that all schemes of internal improvement and corporate enterprises, however plausible they may seem, which look to the Government for aid by way of subsidies, be postponed, while this mountain of debt continues to cast its shadow over the nation. They demand that the offices be filled with competent, trust-worthy men, selected solely with reference to their fitness, to best serve the interest of the Republic.

I have great confidence that the incoming administration of General Grant will distinguish itself in meeting these reasonable demands, and in accomplishing these desirable results. I need scarcely say that so far as my humble influence shall extend, my efforts shall all be given in this direction. Waiving, in my case, political antecedents, that ordinarily are required of those placed in positions of power, you, gentlemen, in behalf of the people, have committed to my hands the great trust of representing, in part, our beloved State in the highest deliberative body in the nation. It shall be my honest ambition, by diligence and fidelity, to justify your choice.

The address being completed, the Lieut. Governor dissolved the Joint Convention, having finished the business for which it had assembled.

Mr. Cunningham moved that the House do now adjourn.

Which was agreed to.

THURSDAY MORNING, 10 o'clock, }
January 28, 1869. }

The House met.

Mr. Hamilton moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Hamilton presented a petition signed by sundry citizens of Vigo county, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Miles presented a petition from forty-six citizens of Sullivan county on the subject of evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Sabin presented a petition signed by thirty-five citizens of Steuben county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Odell presented a petition from citizens of Shelby county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Tebbs presented a petition from citizens of Dearborn county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wildman presented three petitions from sundry citizens, asking that the colored children be allowed to receive equal educational facilities with other children of the State.

Which was referred to the Committee on Education.

Mr. Wildman presented a petition from citizens of Howard county, asking the repeal of the gravel road law.

Which was referred to the Committee on Roads.

Mr. Shoemaker presented a petition from twenty-two citizens of his county, on the subject of the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Hall presented a petition from citizens of Warren county, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Hyatt presented a petition from citizens of Daviess county, on the evils growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Beeler presented three petitions on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Beeler presented three several petitions from citizens of Marion county, on the evils growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Hutson presented a petition from sundry citizens, on the evils growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Stephenson presented a petition from a number of citizens of Clay county, on the subject of the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Stephenson presented a petition from citizens of the State, asking a repeal of the existing laws regulating the compensation of State and county officers.

Which was referred to the Committee on Fees and Salaries.

Mr. Cave presented a petition from sundry citizens of Dubois and Pike counties, asking for a change in the school law, so as to prevent the holding of religious meetings in the public school houses.

Which was referred to the Committee on Education.

Mr. Hall presented a petition from sundry citizens of Warren county, praying for the passage of a law for the protection of the petitioners against the importation of Texas cattle.

Which was referred to the Committee on Mexican and Texas Cattle, without reading.

Mr. Mitchell presented two petitions from sundry citizens of Morgan county, asking for protection against railroad monopolies.

Which were referred to the Special Committee on Railroads, without reading.

REPORTS OF STANDING COMMITTEES.

Mr. Gordon, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 94, entitled an act to amend Section 39 of an act entitled an act defining felonies and prescribing punishment therefor, approved June 10, 1852, have had the same under consideration, and request me to report the same back to the House, and recommend its immediate passage.

Which on motion, was laid on the table.

Mr. Gordon, from the Judiciary Committee, submitted the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 79, entitled a bill to provide for the erection and repair of bridges, and to repeal all laws inconsistent therewith, have had the same under consideration, and request me to report the same back to the House, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Osborn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 57, to amend Section 445 of an act entitled an act to revise, sim-

plify and abridge the rules of practice, pleadings and forms in civil cases, in the Courts of this State, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Osborn, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 106, a bill to repeal an act entitled an act for the repeal of the statutes not in conformity with the ruling of the Supreme Court in the case of Langdon against Applegate, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Overmyer, from the Committee on the Organization of Courts made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 59, a bill to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble of the Fourteenth Judicial Circuit, have had the same under consideration, and do now report the same back and recommend its passage.

Which on motion, was laid on the table.

Mr. Overmyer, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 64, having had the same under consideration, and do now report the same back, and recommend its passage.

Which was laid on the table.

Report of the Committee on the Organization of Courts on House bill No. 72.

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. 72, a bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Overmyer, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. 74, " A bill to declare what counties constitute the First Judicial Circuit, creating the 22d and 23d Circuits. to fix the time of holding courts therein in the several counties composing said circuits, return of process, orders and rules therein, providing for the appointment and electing of a Judge and Prosecuting Attorney therefor, repealing certain laws, and declaring an emergency," have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of T. B. McCarty for \$200, for money expended in procuring the arrest and conviction for forgery of one H. D. Wintz, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that it be allowed and placed in the general appropriation bill.

Which was referred to the Committee on Ways and Means.

Mr. Monroe, from the Committee on Claims, submitted the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of the

Louisville and Nashville Railroad Company for \$17 07 cents for transportation of soldiers' families, by the order of Governor Morton, in 1865 and 1866, have had the same under consideration, and authorize me to report the same back to the House, and recommend its allowance, and that the same be referred to the Committee of Ways and Means, and placed in the general appropriation bill.

Which was so referred.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the petition of sundry citizens of Warren county, asking compensation for losses sustained by the introduction among their cattle of a disease commonly called "Spanish Fever," have had the same under consideration, and have authorized me to report the same back to the House, and recommend that no allowance be made for such purposes. And your Committee recommend further that that part of the petition which asks for the passage of a law to prevent the further spread of said disease, be referred to the Special Committee of the House of Representatives on that subject.

Which was concurred in.

Mr. Gordon, from the Committee on Fees and Salaries, to whom was referred House bill No. 102, "A bill to amend section 16 of an act entitled 'An act regulating the fees of officers and repealing former acts in relation there,' approved March 2, 1855," have had the same under consideration, and requested me to report the same back to the House and recommend that it lie on the table.

Which was concurred in.

Mr. Stewart, of Rush, asked and obtained leave to employ a Clerk for the standing Committee on Railroads,

Mr. Mason, from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House bill No. 41, entitled a bill to repeal an act enti-

tled an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of the same, have had the same" under consideration, and direct me to report the same back to the House, and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Beeler, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 13, a bill to prevent the importation of Texas cattle, &c., have had the same under consideration, and have instructed me to report the same back to the House, and recommend its reference to the Committee on Texas cattle. Also, send petitions on the same subject, and recommend their reference to the same committee.

Which report was concurred in.

Mr. Beeler, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred the petition of numerous citizens of the State, for the more effectual protection of the fruit-growing interests of the State," have had the same under consideration, and have instructed me to report the accompanying bill and recommend its passage.

Which was laid on the table.

Mr. Shoemaker, from the Committee on County and Township Business, submitted the following report:

MR. SPEAKER:

The Committee on County and Township Business have directed me to report the following and recommend its passage:

"A bill creating a lien on real estate sold for taxes by county Treasurers, and for all subsequent taxes paid."

Which was laid on the table.

Mr. Odell, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 34, "A bill to enable incorporated towns to lay out and open and improve streets and alleys, and prescribing the mode in which the same shall be done," introduced by Mr. Johnson of Parke, have had the same under consideration, and direct me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Cotton, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 50, "A bill to amend an act to incorporate cities and towns," have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which was read and laid on the table.

Mr. Chittenden, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 4, "A bill to enable cities to aid in the construction of railroads and water powers," have had the same under consideration, and beg leave to report the following bill as a substitute therefor, said substitute being entirely satisfactory to the movers of the original bill.

Which was laid on the table.

Mr. Davidson, from the Committee on Corporations, made the following report :

MR. SPEAKER :

Your Committee on Corporations have had under consideration House bill No. 18, "A bill to amend sections two and four of an act

for the incorporation and continuance of Building and Loan Fund and Saving Associations, and supplemental thereto," and after examining the same ask leave to report the same to the House and recommend its passage.

Which was laid on the table.

Mr. Zollars asked and obtained leave of absence for Mr. Hamilton until to-morrow.

Mr. Welborn, from the Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared engrossed House bill No. 46 with the original bill, and find it in all things correctly engrossed.

Mr. Welborn, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared engrossed House bill No. 21 with the original bill, and find it in all respects correctly engrossed.

Mr. Cunningham, from the Committee on County and Township Business, submitted the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House bills Nos. 51 and 76, have had the same under consideration, and recommend their passage.

Which was laid on the table.

REPORTS OF SPECIAL COMMITTEES.

Mr. Vater from the Special Committee on House bill No. 17; made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 17, "A

bill to establish a public printing office, making appropriations therefor, and repealing all laws inconsistent therewith," have had the same under consideration, and report the same back with amendments.

Which on motion was laid on the table, and 300 copies of the bill and report ordered to be printed.

Mr. Stephenson from the Special Committee on Senate bill No. 32, submitted the following report :

MR. SPEAKER :

Your Special Committee to whom was referred Senate bill No. 32, regulating the terms of Circuit Courts in the 17th Circuit, respectfully report that they have had the same under consideration, and recommend its passage as amended by the first committee.

Which was laid on the table.

Mr. Ratliff from the Special Committee on Employees of the House, made the following report:

MR. SPEAKER :

Your Committee to whom was referred the letter of the Door-keeper, asking for additional employees, after a careful examination, beg leave to report as follows :

We recommend the allowance of one announcing messenger and central Door-keeper, one cloak-keeper, who shall also attend to seating visitors and keeping gates ; one fireman ; and one sweeper, their pay to commence from to-day, the 26th inst.

The question being on concurring in the report.

Messrs. Williams of Knox and Hamilton, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeler, Bobo, Breckenridge, Buskirk, Cunningham, Field of Lagrange, Higbee, Jump, Lawler, Mason, Overmyer, Pierce of Porter, Ratliff, Sabin, Shoaff, Skidmore, Smith, Underwood, Williams of St, Joseph, Williams of Union and Mr. Speaker—21.

Thos who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Bowen, Britton, Calvert, Carnahan, Cave, Chapman, Cotton, Cox, Davidson, Dittimore, Dunn, Fairchild, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Kercheval, Logan, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Palmer, Peelle, Pierce of Vigo, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor and Zollars—62.

So the report was not concurred in.

Mr. Stephenson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared Engrossed House bill No. 84 with the original copy, and find the same to be correctly engrossed.

Mr. McFadin, from the Special Railroad Committee, made the following report:

MR. SPEAKER:

The Special Railroad Committee to whom was referred the report of the Commissioners appointed by the Governor to investigate as to the payment of taxes by railroads, have had the same under consideration, and recommend that five hundred copies of the minority report of said Commissioners, be printed for the use of the House and Senate.

Which was concurred in.

Mr. Buskirk offered the following preamble and resolutions:

WHEREAS, It is reported that the New York and Erie Railroad has leased the Columbus, Chicago, and Indiana Central, and the Ohio and Mississippi Railways, for ninety-nine years, and

WHEREAS, No law of the State of Indiana authorizes such lease, and

WHEREAS, Such lease is the concentration of large and dangerous powers in a corporation not under the control of the legislature

of this State, and calculated to add largely to the burdens of the agricultural and other vital interests of Indiana, therefore

Resolved, That the Special Railroad Committee be requested to examine into such matter, with power to send for persons and papers, and report by bill or otherwise.

Which was adopted.

Mr. Kercheval obtained leave to introduce

House bill No. 114. A bill to amend the fifth section of an act approved March 6, 1865, entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a first time, and referred to the Committee on Education.

The hour of 11 o'clock having arrived, Mr. Hamilton moved to suspend the order of business.

Which was agreed to.

Mr. Overmyer offered the following resolution :

Resolved, That the House meet in the morning at 9 o'clock, and 2 o'clock in the afternoon, until further ordered.

Which was agreed to.

Mr. Williams of Knox, obtained leave and offered the following resolution :

Resolved, That His Excellency Governor Baker be authorized to issue warrants for the following sums to the following persons, as allowed by the Committee on Claims, viz :

Daniel Harrison.....	\$433 75
Azza Harrison.....	68 00
Otho Harrison.....	165 15
George L. Farnum.....	163 65
Richard Gladdish.....	36 00
William H. Gladdish... ..	24 00
Robert Willis.....	24 00

Which was agreed to.

Mr. Buskirk moved to suspend the regular order of business for the purpose of introducing bills.

Which was agreed to.

Mr. Buskirk introduced

House bill No. 115. "A bill regulating Insurance Companies doing business in this State, prescribing the duties of the Auditor of State in relation thereto, and providing penalties for the violation of the provisions of this act."

Which was read a first time and referred to the Committee on Insurance.

Mr. Wile moved to take up House Joint Resolution No. 4.

Which was not agreed to.

Mr. Underwood introduced

House bill No. 116. Entitled a "bill relative to the salaries of Supreme, Circuit, Criminal Circuit and Common Pleas Judges, and providing the manner of paying the same."

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Johnson of Parke, introduced

House bill No. 117. "A bill to amend section 16, of an act entitled an act to provide for contesting the election to any State, district, circuit, county, or township office, approved May 4th, 1852, to provide relief in cases of contests erroneously commenced, by reason of the misprint of said section 16, and to provide for taking depositions in all contests for circuit and district offices."

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Stewart of Ohio, introduced

House bill No. 118. A bill to provide for the establishment of an Insane Department for the State of Indiana—for the appointment of an Insane Commissioner for said Department, prescribing his powers and duties, and repealing all laws or parts of laws conflicting therewith.

Which was read a first time and referred to the Committee on the Judiciary.

House bill No. 119. A bill making an appropriation of four hundred and thirteen thousand, five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan raid.

Which was read a first time and referred to the Committee on Ways and Means.

Mr. Breckinridge introduced

House bill No. 120. Entitled a "bill to protect and elevate the Medical Profession, to promote the improvement of Medical Science and Practice, and to protect the lives and health of the people of the State of Indiana.

Which was read a first time and referred to the Committee on Rights and Privileges.

Mr. Palmer introduced

House bill No. 121. A bill regulating the fees of Clerks of the Circuit and Common Pleas Courts.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Rice of Porter, introduced

House bill No. 122. A bill requiring the State Printer to fix the price of printing, binding and material, for the use of the State, on the title page thereof, fixing a penalty and declaring an emergency.

Which was read a first time and referred to the Committee on Printing.

Mr. Kercheval introduced

House bill No. 123. A bill to amend section 3 of an act entitled "an act to require surviving partners to file inventories and appraisements in the office of the Court of Common Pleas, and to report the liabilities of the firm," approved March 5th, 1859.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Neff introduced

House bill No. 124, entitled a bill supplemental to an act to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed, approved February 21, 1855, and to provide for the recovery of moneys expended by one county in the arrest, care, safe-keeping, clothing and treatment of an insane person, whose legal settlement is in another county.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Dunn introduced

House bill No. 125. A bill to amend an act entitled an act to amend the 45th section of an act entitled an act to provide for the opening, vacating and change of highways, approved March 5, 1867.

Which was read a first time, and referred to the Committee on Roads.

Mr. Vater introduced

House bill No. 126. A bill authorizing County Commissioners to furnish to Justices of the Peace certain books and stationery, and prescribing for their disposition.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. McFadin introduced

House bill No. 127. A bill authorizing County Recorders to demand and receive their fees for recording, at the time, deeds, mortgages, and other papers which are presented to them for record.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Bowen introduced

House bill No. 128. A bill to amend section 33 of an act authorizing the construction of plank, macadamized and gravel roads,

approved May 12, 1852, exempting all persons going to and from public worship, and all persons going to and returning from Sunday schools, from the payment of toll.

Which was read a first time, and referred to the Committee on Roads.

Mr. Osborn introduced

House bill No. 129. Entitled a bill providing for the service of process and notice to parties to suits or other proceedings in Courts, by setting up written or printed notices in five public places in the county, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Pierce, of Vigo, introduced

House bill No. 130. Entitled a bill making an appropriation for the completion of the State Normal School Building.

Which was read a first time, and referred to the Committee on Education.

Mr. Zollars offered the following resolution:

Resolved, That when petitions shall be in order, the names of the members shall be called alphabetically, and as each member's name shall be called, he shall introduce any petitions which he may have; and when resolutions and bills shall be in order, the roll shall be called as above, and each member, as his name shall be called, shall introduce his resolutions and bills; and if on any day the roll shall not have been called through, the Clerk, on the day following, shall begin where he left off and complete the roll. *Provided*, always, that each member shall be confined within the rule heretofore adopted as to the number of papers which each member is allowed to introduce.

Which was laid on the table until to-morrow.

Mr. Stewart, of Rush, introduced

House bill No. 131. Entitled a bill in reference to the consolidation of railroads in this State, prescribing the manner of such

consolidation, fixing the rates of tariff for freight and passenger travel, and providing for fencing railroads.

Which was read a first time, and referred to the Committee on Railroads.

On motion, the House adjourned.

THURSDAY, 2 O'CLOCK P. M.

The House met.

Mr. Zollers asked and obtained leave of absence for Mr. Miner, on account of sickness.

ORDERS OF THE DAY.

SENATE BILLS ON FIRST READING.

Senate bill No. 58. A bill to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Senate joint resolution No. 4. Entitled a joint resolution relative to the harbor at Michigan City.

Which was read a second time.

Mr. Wile moved to suspend the constitutional rule requiring bills to be read on three several days, and that the joint resolution be read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden,

Coffroth, Cotton, Cox, Cunningham, Davidson, Dittimore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—78.

No member voting in the negative.

So it was deemed expedient to suspend the constitutional rule, and that the joint resolution be read a third time now.

Senate joint resolution No. 4. A joint resolution in relation to the harbor at Michigan City.

Which was read a third time.

The question being, shall the resolution pass?

Those who voted in the affirmative were,

☞ Messrs. Admire, Baker, Barnett, Bates, Beeler, Britton, Breckinride, Calvert, Carnahan, Case, Chapman, Chittenden, Coffroth, Cotton, Cox, Cunningham, Davidson, Dittimore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Osborn, Overmyer, Palmer, Peale, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—80.

No Representative voting in the negative.

So the joint resolution passed.

The question being, shall the title, as read, stand as the title of the resolution?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the joint resolution.

Senate joint resolution No. 3. A resolution instructing our Senators, and requesting our Representatives in Congress, to inquire into losses of men belonging to Battery "F," U. S. Artillery, and take action to repair said loss.

Which was read a second time, and passed to a third reading.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared engrossed bill No. 30 with the original bill, and find it correctly engrossed.

HOUSE BILLS ON SECOND READING.

House bill No. 69. Entitled a bill to provide for the election of County Surveyors, prescribing their duties, together with all other county officers named therein, fixing certain of their fees, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time.

Mr. Cunningham offered the following amendment:

Amend that part of section 1st which reads: "Who shall continue in office for the term of four years," so as to read as follows: "Who shall continue in office for the term of two years."

Mr. Coffroth moved to postpone the bill and amendments indefinitely.

Which was agreed to.

House bill No. 65. A bill amending section fifteen of an act entitled an act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes,

approved May 20, 1852; and declaring the meaning of the word annually, as used in the thirteenth section of said act.

Which was read a second time and ordered engrossed.

Message from the Governor by Mr. Commons, his private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 27, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed Enrolled act No. 1, entitled, "An act to fix the times of holding the Courts in the Twentieth Judicial District," and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, January 27, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith his message and accompanying papers, relating to the location of the Agricultural College.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit to the General Assembly the following documents in relation to the location of the Agricultural and Mechanical College, at the Tippecanoe Battle Ground, in Tippecanoe county, viz:

1. A communication from Hon. John L. Miller, and other citizens of Tippecanoe county, addressed to myself, communicating the propositions hereinafter mentioned, and requesting that said communication and accompanying papers may be laid before the General Assembly.

2. A written proposition of the "Trustees of the Tippecanoe Battle Ground Institute of the Methodist Episcopal Church," located

at the Battle Ground, in Tippecanoe county, proposing to convey and donate to the State, for the use of the Agricultural College provided for by the Act of Congress of July, 1832, the buildings and grounds of said Institute, said to be worth \$40,000 00, upon condition that said College is permanently located, by the General Assembly, at said Battle Ground.

3. The written proposition of the Trustees of the Battle Ground Institute, located at the same place, proposing to convey and donate to the State, for the use of the Agricultural College, the buildings and grounds of said last named Institute, said to be worth \$60,000 00, on condition that the Agricultural College shall be permanently located at said Battle Ground.

4. A certified copy of an order of the Board of Commissioners of Tippecanoe county, proposing to donate to the State the sum of \$50,000 00, out of the Treasury of said county, for the purpose of securing the location of the Agricultural College in Tippecanoe county; the said sum of \$50,000 00 to be paid in five equal annual instalments of \$10,000 00 each, without interest, the first instalment to be paid at the expiration of one year from the date of the location of said College.

I respectfully commend this liberal offer on the part of Tippecanoe county and its citizens to the careful consideration of the General Assembly.

CONRAD BAKER.

Mr. McFadin moved to refer the accompanying papers to the Committee on Agriculture and Education.

Which was agreed to.

House bill No. 9, entitled a bill to fix the salaries of the judges of Common Pleas Courts of the State of Indiana, and to provide for the payment thereof out of the State treasury.

Mr. Bobo moved that the bill be ordered to be engrossed.

Mr. Neff moved that the bill be indefinitely postponed.

Mr. Johnson of Park, moved to recommit the bill to the committee.

Mr. Pierce of Vigo, moved to postpone the bill, and make it the special order for Tuesday, at 2 o'clock.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

House bill No. 58. A bill for the government of appraisers of real estate, and assessors of personal property.

Which was read a third time.

Mr. Zollars moved to reconsider the vote by which the previous question was ordered.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Cunningham, Dittimore, Fuller, Furnas, Greene, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Smith, Tebbs, Vater, Welborn, Wile, Williams of Knox, Zenor and Zollars—48.

Those who voted in the negative were,

Messrs. Barnett, Beeler, Bowen, Chittenden, Davidson, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higbee, Higgins, Hutson, Johnson of Park, Johnson of St. Joseph, Jump, Kercheval, Mason, Millekan, Mitchell, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Skidmore, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—39.

So the bill failed to pass for the want of a constitutional majority.

Mr. Pierce of Vigo, obtained leave and offered the following resolution:

Resolved, That three hundred copies of the Report of the Trustees of the Wabash and Erie Canal be printed for the use of this House.

Which was agreed to.

Mr. McFadin moved that the House do now adjourn.

Which was agreed to.

FRIDAY MORNING, 10 o'clock, }
January 29th, 1869. }

The House met.

Mr. Mock asked and obtained leave of absence until Tuesday morning next.

The Clerk proceeded to read the Journal.

Mr. Cunningham moved that the further reading be dispensed with.

Which was not agreed to.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have carefully compared Engrossed House bill No. 38, with the original bill, and find it correctly engrossed.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have carefully compared Engrossed House bill No. 65, and find it correctly engrossed.

Mr. McFadin moved that the further reading of the journal be dispensed with.

Which was not agreed to.

The journal was read and approved.

Mr. Neff presented a petition from James T. Denny and 99 other citizens of Fillmore, Putnam county, Indian, on the subject of the evils growing out of Railroad combinations.

Which was referred to the special Committee on Railroads.

Mr. Monroe presented petitions from citizens of Jefferson county asking the General Assembly to appropriate \$227 to P. B. Wilson, the amount of money stolen from him as Township Trustee.

Which was referred to the Committee on Rights and Privileges.

Mr. Monroe presented a petition signed by sundry citizens, in regard to the grievances growing out of the gravel road law.

Which was referred to the Committee on Corporations.

Mr. Furnas presented a petition from citizens of Hendricks county, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Field, of Lake, presented three petitions signed by sundry citizens on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Millekan presented two petitions from 70 citizens of Henry county, on the subject of the evils growing out of railroad combinations.

Which were referred to the Special Committee on Railroads.

Mr. Millekan presented a petition from sundry citizens of Newcastle, in regard to the erection of a suitable prison for women.

Which was referred to the Special Committee on Female Prisons.

Mr. Long presented six petitions from citizens of Jackson county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wile presented a petition from a number of citizens of LaPorte county, on the subject of common schools.

Which was referred to the Committee on Education.

Mr. Field of Lagrange, presented petitions signed by 142 citizens of Lagrange county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Montgomery presented a petition from citizens of Johnson county, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Bowen presented a petition from citizens of Wayne county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Jump presented a petition signed by 53 citizens of Delaware county, on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Sunman presented five petitions from 123 citizens of Ripley county, on the subject of the evils growing out of railroad consolidations.

Which were referred to the Special Committee on Railroads.

Mr. Carnahan presented a petition from J. G. Houtz, praying for an allowance for services as Quartermaster of the 1st Regiment of the "Indiana Legion."

Which was referred to the Committee on Claims.

Mr. Baker presented a petition from citizens of Tippecanoe county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Johnson, of Montgomery, presented a petition signed by 43 citizens of Montgomery county, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Wilson presented a petition from 196 citizens of Jackson township, Ripley county, praying for relief from a judgment in the Jackson Circuit Court against Nicholas Moreback, former Trustee of Jackson township.

Which was referred to the Committee on Rights and Privileges.

Mr. Bowen presented a petition, signed by several citizens of Wayne county, in relation to the election of Supervisors for Road districts.

Which was referred to the Committee on County and Township Business.

Mr. Vater presented six petitions from citizens of the State on the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Welborn presented the petition of William B. Mathews, in regard to his account, for arresting L. B. Calhoun, *alias* Beecher, in the State of Missouri, on the requisition of Governor Willard, for a larceny committed in Indianapolis.

Which was referred to the Committee on Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Dunn, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 123, "a bill to amend section 3 of an act entitled an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm," approved March 5, 1859, have had the same under consideration, and recommend its passage without amendment.

Which was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 127, (which provides for the payment of County Recorders' fees,) have had the same under consideration, and recommend that it do pass.

Which was laid on the table.

Mr. Coffroth, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 97, entitled "an act authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction, relating to the school funds, Common and Congressional, as required by act approved December 21, 1865," have had the same

under consideration, and do now report the same back and recommend its passage.

Which was laid on the table.

Mr. Pierce, of Vigo, from the Committee on Elections, submitted the following report:

MR. SPEAKER:

The committee, to whom was referred the election returns of the various county officers, have duly examined the same, and find them in all things correct.

Which was concurred in.

Mr. Coffroth from the Committee on the Organization of Courts, submitted the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 11, entitled "A bill to create the 21st and 22d Judicial Circuits, to fix the times of holding Courts therein, and to provide for the election of Judges and Prosecuting Attorneys therein," have had the same under consideration, and do now report the same back with the following amendments:

1st. Insert the word "Kosciusko," before the word "Whitley," in the third line of the first section.

2d. Strike out of the second section all after the second line, and insert the following:

In the county of Whitley, on the second Mondays of February and September in each year, and shall sit two weeks at each term, if the business thereof so long require it; in the county of Kosciusko, on the Mondays preceding the courts in the county of Whitley, and shall sit four weeks, if the business so long require it; in the county of Wells, on the Mondays succeeding the courts in the county of Kosciusko, and shall sit two weeks at each term, if the business thereof so long require it; and in the county of Huntington, on the Mondays preceding the courts in the county of Wells, and shall sit at each term, so long as the business thereof requires it.

3d. Strike out of the fourth section, all after the second line thereof, and insert the following:

In the county of Miami, on the second Mondays of February and August in each year, and shall sit four weeks at each term, if the business so long requires it; in the county of Fulton, on the Mondays preceding the courts in the county of Miami, and shall sit three weeks at each term, if the business thereof so long requires it; and in the county of Wabash, on the Mondays succeeding the courts in the county of Fulton, and shall sit at each term, so long as the business thereof requires it.

4th. Add the following section to said bill.

SEC. 7. The term of the Common Pleas Court in the county of Miama, now required by law, to begin on the first Monday in March, shall hereafter begin on the third Monday of March, and continue as now required by law.

5th. Change the number of section "7" to section "8."

And that when the bill is so amended, they do recommend its passage.

Which was laid on the table.

Mr. Tebbs from the Committee on Claims, made the following report :

MR SPEAKER :

The Committee on Claims, to whom was referred the claim of James M. Cumback, for thirty dollars, services rendered the State in collecting the returns of the vote for President and Vice President of the United States, cast in the Fourth Congressional District, at the late Presidential election, and also the letter of his Excellency, Governor Baker, on the same subject, have had the same under consideration, and have instructed me to report the accompanying bill and concurrent resolution on the subject.

Which report was concurred in, and the resolution ruled out of order.

Mr. Higgins from the Committee on Claims, made the following report :

MR SPEAKER :

The Committee on Claims, to whom was referred the claim of Cyrus T. Nixon, for sixty dollars, for three day's service and mileage

in organizing the present House of Representatives, have had the same under consideration, and have instructed me to report in favor of the allowance of the same, and to authorize the Speaker to draw a warrant for said sum in favor of the claimant.

Which was concurred in.

Mr. Sabin from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of Andrew Binckley and forty-one others for mileage and *per diem*, while in attendance as witnesses before the Committee on "Arbitrary Arrests," have had the same under consideration, and have instructed me to report the same back to the House, and recommend that in the absence of all proof of the justice of said claims, they be not allowed.

Which was concurred in.

Mr. Williams of Knox, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of Aaron N. Hart of Lake county, for fifty dollars and interest on the same, at the rate of six per cent. per annum, from the 12th day of January, A. D., 1857, for money paid the State for forty acres of swamp lands, when the title to said land was in one Mathias Joseph Hack, have had the same under consideration, and have instructed me to report the accompanying joint resolution for the relief of said Aaron N. Hart.

A joint resolution for the relief of Aaron N. Hart, refunding to him purchase money and interest thereon, paid for certain real estate, sold as swamp land, by the State of Indiana, when the title was in Mathias Joseph Hack.

Which was referred to the Committee on Ways and Means.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Ann Christina Heller for \$50, and interest thereon at the rate of six per cent. per annum, from the seventh day of February, 1854, money paid into the State Treasury by John Heller, her late husband, now deceased, for 40 acres of swamp lands in Jackson county, Indiana, but which had been previously conveyed by deed, by the State of Indiana, to Thomas L. Ewing, have had the same under consideration, and have instructed me to report the same, and all papers connected therewith, back to the House and recommend the passage of House joint resolution No. 1, heretofore reported to this committee, which said resolution provides for the payment of the claim of the said Ann Christina Heller.

Which was referred to the Committee on Ways and Means, with instructions that the claims be presented in the appropriation bill.

Mr. Furnas, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 63, entitled "A bill prohibiting the use of spring balances, by dealers in articles sold by weight, and prescribing the penalty for its violation, have had the same under consideration, and ask that it be indefinitely postponed.

Mr. Hutchings moved to recommit the bill to the Committee on the Rights and Privileges of the Inhabitants of the State.

Which was agreed to.

Mr. Wildman moved to reconsider the vote by which House bill No. 79 was indefinitely postponed.

Which was agreed to.

Mr. Wildman moved to recommit the bill to the Committee on Roads.

Which was agreed to.

Mr. Pierce, of Porter, offered a report from the Trustees of the Soldiers' Home, and moved that it be laid on the table, and that 500 copies be printed for the use of the House and Senate.

Which was agreed to.

Mr. Shoemaker, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

The Committee on County and Township Business have directed me to report back House bill No. 100, a bill to amend the 10th section of an act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties, in civil cases, approved June 9, 1865, and recommend its passage.

Mr. Hyatt, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House bill No. 108, a bill fixing the time of holding the general elections throughout the State, and repealing all laws inconsistent to its provisions, have had the same under consideration, and directed me to return the same with instructions that the same be indefinitely postponed.

Which report was referred to the Committee on Elections.

Mr. Fairchild, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom certain communications or resolutions were referred, beg leave to report, that they have had the same under consideration, and find that the resolutions therein contained have already been substantially anticipated by the legislation of this House, and they would therefore recommend its indefinite postponement.

Which was concurred in.

Mr. Wilson, from the Committee on Cities and Towns, made the following report :

MR. SPEAKER :

The Committee on Cities and Towns, to whom was referred House bill No. 68, to amend Sections 63 and 69 of Chapter 12 of an act entitled, "An act to repeal all General Laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, have had the same under consideration, and request me to report the same back, with the following amendments :

1. Just after the title of the bill, add the following words :

"Section 1. Be it enacted by the General Assembly of the State of Indiana, that."

2. After figures "63," on 9th line, 1st page, insert, "of the above recited act."

3. Immediately after 1st section insert—

"Section 2. And be it further enacted, that."

4. After figures "69," in 13th line, page 3, insert "of the above recited act."

5. Immediately after the word "street," in line 15, page 5, insert, "rendered necessary on account of a change in the grade of such street."

When such bill is so amended, said Committee recommend its passage.

Which was laid on the table.

Mr. Beeler, from the Committee on Towns and Cities, made the following report :

MR. SPEAKER :

The Committee on Cities and Towns, to whom was referred House bill No. 70, a bill to amend section 13 of an act entitled "An

act for the incorporation of Towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, "and repealing all laws in conflict therewith, and declaring an emergency," have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Palmer, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 52, entitled, "An act authorizing the assessment of lands for Plank, Gravel and Macadamized road purposes, prescribing the manner of assessing and collecting the same, and repealing the laws now in force on that subject," together with various other bills on the same subject, have had the same under consideration, and in view of the dissatisfaction with, and objections to the administration of the law of 1867 upon that subject, your Committee entered upon the investigation of the various questions presented for their consideration by the numerous petitions, remonstrances and bills referred, with a fixed and settled determination to ascertain the causes of complaint, and, if remedied, report the remedy.

Our investigation has occupied more time, and required the performance of a much greater amount of labor, than we at first anticipated. This perhaps resulted in part from the various conflicting interests affected by the constructions placed upon the law of 1867.

The leading principle involved in that law, what our predecessors doubtless intended to engraft upon our gravel road system is, that real estate naturally benefitted by the construction and maintenance of such improvement, shall, as a matter of justice and equity, be compelled to contribute its voteable proportion of the necessary expense of such construction.

The correctness of this theory, and the propriety of putting it in practice in this State, are, by your Committee, respectfully recommended and endorsed.

The means by which so desirable an object could be accomplished, without affecting injuriously the material interests of any, has, therefore, been the leading object of our report.

I am now, by said Committee, directed to report back to the House, House bill No. 52, with the following amendments:

Amend the 1st section of said bill as follows, to-wit: After the word "organized," in the 5th line of said section, the following words: "Or that may hereafter be organized."

Amend said 1st section further by adding after the words "having a," in the 9th line, the words "valid and solvent."

Amend the 2nd section of said Bill by inserting before the word "session" the words "or called," in the 4th line of said section.

Amend further said 2d section of said Bill by adding after the word "stead," in the last line of said section the following: "Or if no such appointment shall have been made, it shall then be the duty of the two disinterested Assessors to make said assessment."

Amend 3d section by inserting in the 6th line thereof, after the word "oath," the words "of office." Insert in the 12th line of said section, after the word "of," the words "each of."

Amend the 4th section of said Bill by adding to said section, after the word "Treasurer," in the 33d line thereof, the following: "Except such a per cent. of the assessments against such lands as the owners thereof shall not at that time have paid their rateable proportion of the entire assessment upon, and it is hereby made the duty of said Board of Directors, from time to time, to order the collection of such amount of such unpaid rateable proportions as they may deem proper, until all persons against whose lands assessments of benefits have been made and not released under the provisions of this act, shall have paid their full proportion of said assessment. All funds thus collected, after the completion of the road for which said assessments were made, shall be applied to the keeping up of repairs."

Amend said Bill by striking out Section "8," and inserting the following sections :

Sec. 8. Any such company or person feeling aggrieved by any such assessment may, without filing an appeal bond within sixty days from the filing of such assessment, appeal from such assessment to the Circuit or Common Pleas Court of the county in which such lands so assessed are situate; and after such appeal shall have been taken, and the papers therein shall have been filed in said Court, either party may have the question of such assessment submitted to a jury for reassessment, when and where witnesses may be examined on behalf of said company or person, and the jury may, by direction of the Court, be required to review the premises in controversy, and upon such review and the evidence adduced in Court, shall reassess the benefits to such lands, if any there be, and such reassessment and report thereof by such jury shall be final between the parties.

Sec. 9. To constitute an appeal under the provisions of this act, it shall only be necessary for the party desiring to appeal to file with the Auditor in whose office said assessment is filed, a written notice of his or her intention to appeal from said assessment, stating therein the particular portion or portions of such assessment as he appeals from, and the Court to which the appeal is to be taken; and it shall therefrom be the duty of said County Auditor to make out and certify a transcript of such notice and so much of said assessment as may be applicable to said appeal, which transcript shall, by the party appealing, be filed in the office of the Clerk of the Court to which such appeal is taken, and such appeal shall be deemed to have been taken on the day of the filing of such transcript.

Sec. 10. Where appeals by different parties are pending in the same Court from the same assessment, or where the Company shall have appealed from the assessment upon more than one tract of land along the line of her road, the Court may, in its discretion, order all of said causes thus pending, to be submitted to the same jury at the same time.

Sec. 11. It shall be the duty of the Court in which such causes are pending, to render separate judgment for or against the parties to each reassessment, in accordance with the report of the assessment and findings made by the jury, unless for cause shown a new

trial should be granted. Provided, however, that the granting of a new trial upon an assessment of benefits to one tract of land, shall not, in any manner, affect the rights of parties to assessments of benefits to other tracts of land assessed by the same jury.

Sec. 12. When an appeal is taken by the company from an assessment made against lands belonging to persons not residing in this State, or minors *residents* of the State, it shall be the duty of said company to give, by publication in some weekly newspaper published in the county where the lands are situated, or if no such paper is published in said county, in such paper published nearest thereto, notice that such assessment has been made, that said company has appealed therefrom, and the Court to which such appeal has been taken, for three weeks successively, and upon proof of such notice and default being made by such non-resident owner, the Court may either order a reassessment of said lands by a jury, or affirm the assessment first made; and in either event it shall be the duty of the Court, by its order, to make the amount of such assessment a lien upon such lands, and direct the sale thereof by the sheriff as lands are sold upon judgments at law for the payment and satisfaction of such assessment and lien: *Provided, however*, that where such appeal by the company affects the lands of minors *resident* of this State, the Court shall, upon that fact being made to appear, continue said cause until the next term of said Court, and thereafter shall have power to make the same orders in such causes as are herein provided to be made in cases of appeal by a company from assessments of benefits to lands owned by non-residents.

Sec. 13. In all cases of appeals by such company, provided for by this act, where the assessment upon any tract or tracts of land thus appealed from, shall be reduced, the costs thereof shall be taxed to said company; and in all cases of assessments appealed from by the owner or owners of the lands assessed, when such assessment shall not have been reduced, the costs of such appeal and reassessment shall be taxed to the owner of said land and in all other cases, the judgment for costs shall follow the finding of the jury, as in other cases in said court.

Sec. 14. The Company, by her Board of Directors, at any time after any portion of any assessment of benefits in her favor, shall

have become a lien upon the lands of the party seeking relief, may, upon satisfactory proof being made to them that such party can not then, or as such assessment matures, pay the same without seriously endangering his or her homestead, or the maintenance of his or her family, may, in their discretion, give such party further time for the payment of such assessment, or remit to him or her all or such portion of such assessment as such Board of Directors may deem proper: *Provided, however*, that whenever such Board shall have exercised, in favor of any party, the powers herein conferred, such Board of Directors shall cause a certified copy of their order in the premises to be filed with the auditor of the county in which the lands lie, or if the cause shall have been appealed, then said certified copy of said order to be filed in the office of the clerk of the court to which said appeal was taken, and the collection of such assessment against said party shall thereafter be governed by the terms and conditions of said order.

Sec. 15. All judgments of any court rendered by virtue of the powers of this act, shall be subject to the same stay of execution, and upon the same terms that other judgments at law of the same courts are, and all sales of property, whether real or personal, made by virtue of the judgment or order of any court, pursuant to the provisions of this act, shall be without relief from valuation or appraisement laws of this State: *Provided, however*, that in the enforcement of the collection of all judgments and orders of sale made and rendered by any court "for benefits," pursuant to the provisions of this act, the rule prescribed in the 4th section of this act for the government of county treasurers in making collections, as to the amount to be collected in each year, shall govern.

Sec. 16. Where assessments of benefits have heretofore been made under the laws of this State, against lands and in favor of any Plank, Mcadamized or Gravel Road Company, for an amount or amounts greater than the real benefits resulting from the construction and permanent maintenance of said road, and through mistake, inadvertence or otherwise, have not been appealed from, or where such assessments by mistake, accident or otherwise, may hereafter be made larger than the benefits, and not appealed from within the time prescribed by law, it shall be lawful for such company, in whose favor such assessments has been made, by order of

her Board of Directors, to remit or release to such party such per cent. of said assessment as will make it equal to the benefits resulting to his or her lands.

Sec. 17. Where assessors of benefits have, under the law in force January 1, 1869, been appointed and qualified, but have not completed their said assessments, the company for whose benefit they were appointed may either require them to complete their assessment under the provisions of this act, or petition the Board of Commissioners for the appointment of assessors, and an order of assessment in accordance with the provisions of this act: *Provided, however,* that all assessments of benefits made in favor of any company under the law in force January 1, 1869, in their collection, appeals therefrom the powers and duties of courts, officers and jurors, and parties in relation to said appeals, the expense and manner of collecting such assessments, the applications by the company of the funds arising from such assessments, and all other matters pertaining to such assessment, shall be governed by the provisions of this act.

Sec. 18. That where appeals have been taken or attempted to be taken under the law repealed by this act from assessments made under said law, and have, by any court, been dismissed for the reason that said appeals were not taken within thirty days from the time of making or filing said assessment, or that an appeal bond had not been filed, may, upon motion and notice thereof, by order of said court, be reinstated upon the docket of said court, and when so reinstated shall, in all things, be governed by the provisions of this act.

Sec. 19. It shall be the duty of the several County Treasurers, and all other officers having charge of the collection of assessments under the provisions of this act, to pay over, on demand, to the authorized officer or agent of any company, all moneys in his hands belonging to such company, taking the company's receipt therefor, which receipt shall be a sufficient voucher to said Treasurer or other officer in the settlement he may be required by law to make with reference to the moneys so collected and paid over by him.

And recommend the adoption of said amendments by the House, and when said amendments are so adopted to recommend the pas-

sage of said bill at the earliest practical period, and that House bills Nos. 27, 88, 25 and 77, be indefinitely postponed.

All of which is respectfully submitted.

Mr. Welborn moved that House bill No. 52 be laid on the table, and 200 copies be ordered to be printed.

Which was agreed to.

Mr. Osborn moved that when the House adjourn, it stand adjourned until Monday morning, 9 o'clock.

Mr. Underwood moved to amend by saying 2 o'clock.

Which was not agreed to.

The question recurring on the motion of Mr. Osborn.

It was not agreed to.

Messrs. Fuller, Field of Lagrange, Palmer, Taber and Johnson of Park asked and obtained leave of absence until next week, and Mr. Cave until Tuesday.

Message from the Governor, by Mr. Commons, his private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 29, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith his message, accompanied by a copy of the report of the transactions of the military agencies in this city, and at Washington City.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 29, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit to the General Assembly the report of Col. Wm. Hannamann, Military Agent of the State, setting forth the business transactions of the agencies here and at

Washington, during the years 1867 and 1868. The agency at Washington was discontinued on the 1st day of April, 1868, for want of funds to continue it. I invite your especial attention to the amounts collected during the past two years, and the large number of claims still pending, with a view to the decision of the question as to what further action should be taken.

CONRAD BAKER.

Mr. Wildman moved to refer the report to the Committee on Military Affairs, with instructions to report with a view to continuing the agency.

Mr. Coffroth offered the following amendment:

Amend the motion by instructing the committee to report a bill to abolish the agency at Washington City and Indianapolis.

Mr. Stewart, of Rush, offered the following amendment:

Refer to Military Committee, with instructions to report as to the expediency of continuing the Military Agency at Washington and Indianapolis.

Which was not agreed to.

The question recurring on the amendment offered by Mr. Coffroth.

Which was agreed to.

Mr. McFadin moved that the order be suspended by which the House ordered 500 copies of the minority report of the Special Committee on Railroads be printed, until further orders of the House.

Which was agreed to.

The Speaker laid before the House a communication from the President and Secretary of the Terre Haute and Indianapolis Railroad, in answer to a resolution of the House.

That portion of the report referring to railroads was referred to the Special Committee on Railroads, and that portion of the report referring to military matters was referred to the Committee on Military Affairs.

Mr. Monroe, from the Special Committee on House of Refuge, submitted the following report:

MR. SPEAKER :

Your committee, to whom was referred House bill No. 92, recommending a change of the name of the House of Refuge to that of Indiana State Reform School, report the same back, and recommend that it pass.

Which was laid on the table.

Mr. Stephenson moved to suspend the order of business, in order to take up Senate bill No. 32, entitled "A bill to fix the time of holding the Circuit Courts in the Seventeenth Judicial Circuit, repealing all other laws on the same subject, and declaring when this act shall take effect."

Which was agreed to.

Senate bill No 32 was accordingly taken up.

The amendments were read and adopted.

The bill as amended was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were

Messrs. Admire, Addison, Baker, Barnett, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Case, Chapman, Chittenden, Coffroth, Cory, Cox, Cotton, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor and Zollars—90.

Noes—none.

So the bill passed.

H. J.—21.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage thereof.

Mr. Monroe moved that the regular order of business be suspended for the purpose of taking up Senate bill No. 11.

Which was agreed to.

Senate bill No. 11, entitled a bill to repeal the 17th section of an act entitled "an act to incorporate the Firemen and Mechanics' Insurance Company," and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Barnett, Beeler, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Collroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shcaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Union, Wilson, Zenor, and Zollars—82.

Those who voted in the negative were,

Messrs. Vater, Williams of Hamilton, Williams of Knox, Williams of St. Joseph—4.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Overmeyer moved to take up House bill No. 74.

It was agreed to.

House bill No. 74. A bill to declare what counties constitute the First Judicial Circuit, creating the Twenty-second and Twenty-third Circuits, to fix the times of holding Courts therein, providing for return of process, orders and rules therein, providing for the appointment and electing of a Judge and Prosecuting Attorney therefor, repealing certain laws, and declaring an emergency.

Was read a second time.

Mr. Cory moved to recommit the bill to the Committee on the Organization of Courts.

Which was agreed to.

Mr. Ruddell asked and obtained leave of absence for the Committee on Prisons, to visit the Northern State Prison.

On motion by Mr. Johnson, the House adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The House met.

HOUSE BILLS ON SECOND READING.

House bill No. 103. A bill declaring certain contracts to pay attorney's fees void.

Was read a second time.

Mr. Dittmore moved a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barritt, Bates, Bowen, Britton, Buskirk, Calvert, Carnahan, Cotton, Cox, Cunningham, Davidson, Davis,

Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Peelle, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sannan, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, and Mr. Speaker—82.

Mr. Odell moved that House bill No. 103 be recommitted to the Committee on the Judiciary.

Which was agreed to.

House bill No. 85, entitled a bill to amend the 315th section of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time.

Mr. Ruddell moved that the bill be ordered to be engrossed for a third reading on to-morrow.

Mr. McFadin moved that the House take a recess for thirty minutes.

Which was agreed to.

Two o'clock and fifty-five minutes. The House re-assembled.

Mr. Buskirk moved that when the House adjourn, it stands adjourned until Monday at 2 o'clock.

Which was agreed to.

Mr. Overmyer, from the Committee on the Organization of Courts, offered the following resolution:

Resolved, That the Committee on the Organization of Courts be allowed one Clerk, to have pay for the time employed.

The question being upon concurring in the resolution.

Messrs. Wile and Tebbs demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Britton, Breckinridge, Carnahan, Chittenden, Cunningham, Fairchild, Field of Lagrange, Gilham, Hall, Higbee, Johnson of Montgomery, Jump, Lawler, Lamborn, Long, Mason, Odell, Osborn, Overmyer, Peelle, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Sunman, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Addison, Baker, Barritt, Bates, Bnskirk, Calvert, Cave, Chapman, Cotton, Cox, Davidson, Davis, Dittmore, Field of Lake, Gordon, Greene, Higgins, Hutson, Kercheval, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Montgomery, Neff, Pierce of Vigo, Ratliff, Shoemaker, Stephenson, Stewart of Ohio, Taber, Tebbs, Wile, Williams of Knox and Zenor—40.

So the resolution did not prevail.

Pending the adjournment, was the consideration of ordering House bill No. 85, to be engrossed.

Which was not agreed to.

House bill No. 54. A bill to amend section 531 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases, in the Courts of this State, &c.

Which was read a second time, amended, concurred in, and ordered to be engrossed.

Mr. Welborn moved to take up House bill No. 95.

Which was agreed to.

House bill No. 95, entitled a bill for the relief of John Ingle and of John Ingle, Jr.

Which was read a second time, and on motion by Mr. Osborn, was referred to the Judiciary Committee, with instructions.

Message from the Senate by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 32, entitled an act to fix the time of holding the Courts in the Seventeenth Judicial Circuit.

Mr. Dittmore asked and obtained leave of absence till Thursday at 2 o'clock.

On motion, the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }
February 1st, 1869.

The House met.

Mr. Stewart of Ohio, moved that the reading of the Journal be dispensed with until to-morrow.

Which was not agreed to.

The Journal of Friday, January 29, was read and approved.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have carefully compared Engrossed House bill No. 54, with the original bill, and find it in all respects correctly engrossed.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed Enrolled acts Nos. 11 and 32 of the Senate, and the same are herewith transmitted to the House, for the signature thereto of the Speaker.

The Speaker announced that he had signed Enrolled acts Nos. 11 and 32.

Mr. Williams, of Union, offered the following resolution :

Resolved, That the Governor be requested to lay before this House the amount of money that he has drawn per annum, under the act of February 25, 1865, providing that he may draw a sum not exceeding five thousand dollars, in lieu of a residence provided for him by the State.

This was amended by requesting the Governor to forward to the Committee the desired information.

Which was agreed to.

Mr. Pierce, of Vigo, obtained unanimous consent to change his vote on House bill No. 58 (having previously paired off with Mr. Hamilton) from aye to blank.

Mr. Higbee offered the following resolution :

Resolved, That the Doorkeeper procure and furnish each member of this House, with a copy of the already published annual reports of the Superintendent of the Soldiers' Home, for the year 1867 and 1868.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 36. A bill concerning vagrants and proceedings against the same.

Which was read a second time, and ordered engrossed for a third reading to-morrow.

House bill No. 15. A bill regulating interest on judgments.

Which was read a second time, and, on motion, indefinitely postponed.

House bill No. 66. A bill defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency, and amendments.

Which was adopted and ordered to be engrossed for a third reading on to-morrow.

House bill No. 11. A bill to create the Twenty-first and Twenty-second Judicial Circuits, to fix the time for holding Courts therein, and to provide for the election of Judges and Prosecuting Attorneys thereto.

Which was read a second time, with the amendments.

Mr. Higbee moved to lay the bill and amendments on the table.

Which was not agreed to.

The question recurring on the adoption of the amendments.

They were agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

House bill No. 83. An act to amend sections sixteen, seventeen and eighteen of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and declaring an emergency.

Which was read a second time.

Mr. Williams of Knox moved to amend by striking out "four cents" per mile for jurors, and inserting "six cents."

Mr. Britton moved to amend the amendment by striking out "six cents" and inserting "five cents."

Which was not agreed to.

The question recurring on the amendment offered by Mr. Williams,

It was agreed to.

Mr. Underwood offered the following amendment:

Amend by striking out \$2 and inserting \$2.50.

Mr. Wildman moved to lay the bill and pending amendments on the table.

Which was not agreed to.

Mr. Wilson moved to lay the amendment of Mr. Underwood on the table.

Which was agreed to.

Mr. Shoaff moved to amend by striking out "five cents," in relation to the mileage of witnesses, and inserting "six cents."

Which was agreed to.

Mr. Cave moved to amend by striking out "seventy-five cents," in relation to the *per diem* of jurors in justices' courts, and insert "one dollar."

Mr. Miles moved to lay the amendment on the table.

Which was agreed to.

Mr. Osborn offered the following amendment:

Add as follows: "That witnesses who reside in any other county

than where the cause is pending for trial, attending court as witnesses in behalf of the State, in State prosecutions, shall be allowed per diem, payable out of the county treasury where the cause is pending.

Mr. Wilson moved to lay the amendment on the table.

Which was agreed to.

House bill No. 83 was then ordered to be engrossed for a third reading on to-morrow.

House bill No. 3. A bill providing for the appointment of suitable persons to hold Common Pleas Courts during the absence of Common Pleas Judges for any part of any term of their said courts, and prescribing certain duties of clerks or sheriffs in relation to said Common Pleas Courts.

Was read a second time with the amendments recommended by the committee.

Mr. McFadin moved that the bill be returned to the committee, with instructions to amend the bill so as to authorize the Judge *pro tem.* to receive his pay for such service as Judge, out of the salary of the Judge failing to attend, or failing to attend, from any cause, at any regular or special session.

Mr. Neff moved to amend by striking out of the instructions so much as relates to receiving pay out of the salary of the regular Judge.

Which was not agreed to.

The question recurring on the motion made by Mr. McFadin, It was agreed to.

House bill No. 110. An act to amend section 47 of an act entitled an act to provide for opening, vacating, and change of highways, approved June 17, 1852.

Read a second time, amendments adopted, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 72. A bill defining what counties shall consti-

tute the Fifth Judicial Circuit, and fixing the time of holding courts therein.

Read a second time and ordered to be engrossed for a third reading on to-morrow.

House bill No. 57. An act to amend section 445 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity."

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 59. A bill to fix the time of holding the Circuit Court, in the counties of Kosciusko and Noble, of the 14th Judicial Circuit.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

House bill No. 64. Entitled "A bill defining what counties shall constitute the Twelfth Common Pleas District, and fixing the time of holding courts therein."

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 50. A bill to amend sections 1 and 3 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Odell moved that the House do now adjourn.

Which was not agreed to.

House bill No. 18. A bill to amend sections 2 and 4 of an act entitled "An act for the incorporation and continuance of Building

Loan Fund and Savings Associations," approved March 5, 1857, and supplemental thereto.

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 94. A bill to amend section 39 of an act entitled "An act describing felonies, and prescribing punishment therefor," approved June 10, 1852.

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 34. Entitled "A bill to enable incorporated towns to lay out, open and improve streets and alleys, and prescribing the mode in which the same shall be done."

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Calvert, the House adjourned.

TUESDAY MORNING, 9 o'clock, }
February 2, 1869. }

The House met.

The Journal of yesterday was read and approved.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Wile presented a petition from 27 citizens of Michigan City on the evils growing out of railroad combinations and extortions.

Which was referred to the Special Committee on Railroads.

Mr. Johnson presented four petitions from the State asking the passage of a law prohibiting the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Furnas presented a petition signed by sundry citizens of Hendricks county, in regard to the gravel road law, and asking that it be repealed.

Which was referred to the Committee on Roads.

Mr. McBride presented a petition from several citizens of Clark county, on the subject of the fees of justices of the peace, constables, jurors and witnesses.

Which was referred to the Committee on Fees and Salaries.

Mr. Breckinridge presented a petition from citizens of Tippecanoe county against the repeal of the gravel road law.

Which was referred to the Committee on Roads without reading.

Mr. Kercheval presented a letter from the Hon. C. H. Mason, of Cannelton, asking a repeal of a law regulating the employment of persons under 16 years of age in cotton and woolen factories of this State.

Which was read, and referred to the Committee on Rights and Privileges.

Mr. Britton presented a petition, asking that a monument be erected to the memory of the late Governor Willard.

Which was referred to the Committee on Rights and Privileges without reading.

Mr. Tebbs presented a petition from citizens of Dearborn county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads without reading.

Mr. Underwood presented the following petition from sundry citizens of Wayne county :

To the General Assembly :

The undersigned, members of the bar of Wayne county, desire that the terms of the Common Pleas Courts of Wayne county should begin on the first Monday in January, fourth Monday in April, and second Monday in September ; that the January term should continue for four weeks, and the April and September terms for five weeks. By this change we get more time to do the business of the Court, and avoiding any conflict with their Common Pleas or Circuit Court.

Which was referred to Committee on the Judiciary.

Mr. Mason presented a petition, signed by sundry citizens, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads without reading.

Mr. Hutson presented a petition from citizens of Gibson county, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads without reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Wildman, from the majority of the Committee on Elections, submitted the following report :

MR. SPEAKER :

The Committee, to whom was referred the contested election case of Samuel Beatty against James A. Peelle, from the counties of Laporte and Starke, have had the same under consideration, and the Committee find that the said contestee, Peelle, was, on the first Monday of April, 1865, elected a Justice of the Peace of Wayne township, in said county of Starke, for the term of four years.

That on the sixth day of May, 1865, said contestee duly qualified and entered upon the discharge of his official duties as such Justice in said township ; that at the October election of 1868, the said con-

testee (Peelle) was a candidate for the office of joint Representative to the General Assembly of the State of Indiana for said counties of Laporte and Starke; that at said election the contestor (Saml. Beatty) was also a candidate for the same office in said counties, and received as such candidate for such office the number of 3,194 votes; that said contestee (Peelle), at the time he was voted for as such candidate for said office as aforesaid, was not eligible to the office for which he received the votes of the electors of said counties, for the reason that the Constitution of the State of Indiana, Sec. 16, Art. 7, says, that "no person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State other than a judicial office."

It was further shown in evidence that illegal votes had been cast for said contestee (Peelle), and that in townships where said contestee (Peelle) received majorities there were irregularities on the part of the Election Board. Your Committee, however, have decided this case only on one point, that of ineligibility of the contestee (Peelle). That the said contestee, James A. Peelle, is not entitled to the seat in this House as now occupied by him; that said contestor, Samuel Beatty, is entitled to such seat.

Your Committee recommend the adoption by the House, of the following resolution:

Resolved, That Samuel Beatty, having been duly elected a Representative for the district composed of the counties of Laporte and Starke in the General Assembly of the State of Indiana, of right ought to be, and is hereby, declared to be elected, and is hereby admitted to his seat in the House of Representatives for the district aforesaid; and that James A. Peelle has no legal right to a seat in the House of Representatives as the representative for the district aforesaid, he not being eligible for that office at the general election on the 13th day of October, 1868, and that Samuel Beatty was the only person voted for who was eligible to said office of Representative.

(Signed,)

PIERCE, of Vigo,
WILDMAN,
CHAPMAN,
HAMILTON,
STEWART, of Ohio,

Majority of Committee.

Mr. Zollars, from the same committee, made the following minority report:

MR. SPEAKER:

The undersigned members of the Committee on Elections, beg leave to make the following minority report, in the case of Samuel Beatty against William Peale. This is a contest for a seat upon this floor, as a Representative from the counties of Starke and Laporte. The sitting member, Mr. Peale, was elected at the October election in 1868, to represent the above-named counties in this branch of the State Legislature. He received a majority of sixty-seven votes in the two counties, not counting the townships of Johnson and Dewey, in Laporte county. These townships were rejected and thrown out, simply because the Judges of Election did not sign their names exactly as the blank directed. These townships should have been counted, and if the sitting had a majority of 106 votes. The election was held on the 13th of October, and Mr. Beatty, the contestor, filed his first grounds of contest, and gave notice on the 23d of the same month. In this he set up certain matters which were not considered by the committee.

Subsequent to the filing of these first causes, and on the — day of December, the contestor filed the additional grounds, that the contestee had been elected a Justice of the Peace in — township, in Starke county, and that the time for which he had been elected had not expired when he was elected Representative. For this reason the contestor claims that the contestee is ineligible, and that the contestor is therefore entitled to the seat.

The majority of the committee have held that this branch of the case was properly before them, and hence have decided that the sitting member is ineligible, and that the contestor is entitled to the seat.

The minority dissent from this, and hold that there was no notice given to the contestee, as the law requires.

They also find the facts about as stated above, so far as relates to the election of the contestee. We find that on the — day of April, 1865, he was elected a Justice of the Peace in Wayne township, Starke county; that he performed the duties of his office as

such until August, 1866, when he left said township and vacated said office, since which time he has not acted as Justice. We find that the time for which he was elected will not expire on the — day of April, 1869.

These facts having been brought before us, we have thought it our duty to report the facts in the case, together with our opinion, that under our Constitution the sitting member is ineligible, and that the office is therefore vacant, and that an election should be ordered in said counties, according to law in such cases.

We hold that the contestor cannot claim said seat, because he gave no notice, and because he did not receive a majority of the votes cast. We therefore recommend that the office be declared vacant and a new election ordered.

All of which is respectfully submitted.

Your committee would further recommend the adoption of the following resolution, viz :

Resolved, That the seat now occupied by William Peelle be declared vacant, and that a new election be ordered in said counties of Laporte and Starke, according to law, to fill said vacancy.

(Signed

A. ZOLLARS,
WM. NEFF.

Mr. McFadin moved that the whole subject be made the special order for 3 o'clock P. M. of to-day.

Which was agreed to.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 5, an act to amend the one hundred and third section of an act entitled, an act to revise, simplify and abridge the Rules of Practice, Pleadings, &c., would respectfully report, that they have had the same under consideration, and would now report the same back to the House, and recommend its passage without amendment.

Which was laid on the table.

H. J.—22

Mr. Gordon, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 117: A bill to amend the 16th Section of an act entitled, an act to provide for contesting the election to any State, District, Circuit, County or Township office, approved May 4, 1852, have had the same under consideration, and recommend that it be indefinitely postponed.

Mr. Williams, of Knox, moved to lay the report on the table.

Which was agreed to.

Mr. Gordon, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred Senate bill No. 58, entitled, an act to amend Section 16 of an act regulating the Fees of Officers, and repealing former acts in relation thereto, approved March 2, 1855, have had the same under consideration, and recommend its passage.

Which, on motion, was laid on the table.

Mr. Welborn, from the Committee on Engrossed bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills report that they have compared Engrossed House bill No. 59, with the original, and find it correctly engrossed.

Mr. Shoaff, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House bill No. 116, a bill to regulate the salaries of Supreme, Circuit, Criminal Circuit and Common Pleas Judges, and provid-

ing the manner of paying the same, have had the same under consideration, and have instructed me to report it back to this House, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Zollars, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House bill No. 91, entitled "an act to authorize Boards of County Commissioners to make allowances to Judges in certain cases," have had the same under consideration, and have instructed me to report back the same, and recommend that it be indefinitely postponed.

Mr. Bobo moved to recommit the bill to the Committee on Fees and Salaries.

It was not agreed to.

The question being, in concurring in the report of the Committee.

It was agreed to.

Mr. McGregor, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House bill No. 73, being an act to amend section 15 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and instructed me to report the same back, with the following amendment. Strike out all after the enacting clause, and insert the following :

That the fees of Justices of the Peace shall be as follows, to-wit :

For each summons, or capias, or warrant.	50
Every examination on a criminal affidavit.	50
Swearing each witness	5

Every trial on complaint for unlawful detention of lands or tenements	1 00
Issuing every attachment for contempt.....	25
Taking an acknowledgment of a deed or power of attorney.....	25
Order for relieving or removing a pauper.....	50
Certifying description of a boat adrift or an estray.....	25
Warrant of certificate of appraisement	25
Taking and certifying depositions.....	25
And for each one hundred words therein contained.....	10
For every writing or record not herein provided for per one hundred words	12½
Every trial.....	50
Entering continuance	10
Every bond or recognizance	25
Every venire for summoning a jury	25
Each transfer of judgment.....	25
Issuing execution.....	25
Subpœna for witnesses, to include all called for at any one time	25
Administering an oath	5
Rendering every final judgment.....	25
Trial of right of property and judgment.....	50
Swearing jury	15
Transmitting papers in cases of appeal	25
And for each mile traveled	5
Writing an affidavit.....	25
Docketing a cause	15
Filing each paper.....	5
Entering every motion.....	10
Every judgment.....	25
Every satisfaction of judgment	25

And when so amended recommend its passage.

Which was laid on the table.

Mr. Wilson, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The committee, to whom was referred the petition of Rev. J. H. Anton, Joseph Schlecht, and one hundred and ninety-four others,

citizens of Jackson township, Ripley county, Indiana, for the relief of Nicholas Morback, former Trustee of said township, and his sureties on his official bond, have had the same under consideration, and after having inquired into the truth of the statements therein made, are of the opinion that the same are true, and that the prayer of said petition ought to be granted; and request me to report the following bill, "a bill for the relief of Nicholas Morback, Joseph E. Lange, and Francis Joseph Wetzler," and recommend its passage.

Which was laid on the table.

Mr. Mitchell, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 40, "A bill to enable County Commissioners to demand, sue for, and receive any County Bounty Fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency," have had the same under consideration, and have directed me to report the same back and recommend its passage without amendment.

Which was laid on the table.

Mr. Breckinridge, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

Your Committee, to whom was recommitted House bill No. 63, "A bill prohibiting the use of spring balances by dealers in articles sold by weight, and prescribing the penalty for its violation," have had the same under consideration, and recommend that section second be amended to read as follows :

SEC. 2. "Any person disregarding the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five dollars for each and every offence."

Also, add the following section :

"SEC. 3. This act shall take effect and be in force on and after January 1st, 1870."

Which was laid on the table.

Mr. Fairchild, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 24, entitled "An act to regulate the standing of the Medical Profession," &c., &c., would report that they have had said bill under consideration, and would recommend that section 3 be so amended as to read :

SEC. 3. "This act shall take effect and be in force on and after the 1st day of October, 1869," and that when so amended they recommend its passage.

Which was laid on the table.

Mr. Williams of Knox, asked and obtained leave of absence for Mr. Zenor until to-morrow.

Mr. Furnas, from the Committee on House bill No. 56, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 56, "A bill authorizing the publication of legal and official advertisements in papers of a foreign language, and prescribing the conditions therefor," have had the same under consideration, and recommend that it be indefinitely postponed.

The question being in concurring in the report of the committee,

Messrs. Coffroth and Cox demanded the ayes and noes.

Mr. Gordon moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being upon concurring in the report of the Committee.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Britton, Breckinridge, Buskirk, Carnahan, Chittenden, Davidson, Dunn, Field of Lake, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Millekan, Miller, Monroe, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Wilson—48.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Calvert, Cave, Cofroth, Cory, Cotton, Cox, Cunningham, Fairchild, Fuller, Hamilton, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Tebbs, Underwood, Vater, Wile, Williams of Knox, Zollars and Mr. Speaker—43.

So the report of the Committee to indefinitely postpone the bill prevailed.

Mr. Sabin, from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was committed House bill No. 124, entitled a bill supplemental to "An act to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed," approved February 21, 1855, and to provide for the recovery of moneys expended by one county in the arrest, care, safe keeping, clothing, and treatment of an insane person whose legal settlement is in another county, have had the same under consideration, and recommend that the bill do pass without amendment.

Which was laid on the table.

Mr. Dunn, from the Committee on Temperance, made the following report :

MR. SPEAKER :

Your Committee on Temperance, to whom was referred House bill No. 101, a bill to repeal the license law of March, 1859, would respectfully report that they have had the same under consideration and recommend that said bill be indefinitely postponed.

The hour having arrived for the regular order of business,

Mr. Williams of Knox moved to suspend the regular order of business for the purpose of receiving the reports of committees.

Which was agreed to.

Mr. McFadin, from the Special Committee on Railroads, submitted the following report :

MR. SPEAKER :

The Special Committee on Railroads, to whom a large number of petitions, on the subject of railroad tariffs, have been referred, have instructed me to report that they have had the same under consideration, and have also under consideration two bills, proposed by Mr. Osborn of Putnam, upon the subject of the Terre Haute and Indianapolis Railroad, which they recommend be read a first time and passed as soon as can be done.

Which was laid on the table.

Mr. Stephenson, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills would respectfully report that they have carefully compared engrossed House bill No. 66, with the original bill, and find the same correctly engrossed.

Mr. Pierce, of Porter, asked and obtained leave of absence for the Committee on Benevolent Institutions for two days.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills report that they have compared engrossed House bill No. 83, with the original bill, and find that the same is correctly engrossed.

Mr. Ratliff offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker of the House, whose duty it shall be to call upon the Auditor of State and ascertain the amount of fees reported to his office by the Clerks, Auditors, and Sheriffs of the counties of this State, if such reports have been made ; and if such committee find unlawful or constructive fees have been charged, to report a remedy for the evil, by bill or otherwise.

Which was agreed to.

The Speaker named the following gentlemen to constitute the committee :

Messrs. Ratliff, Wildman, Kercheval and Long.

HOUSE BILLS ON SECOND READING.

House bill No. 76. A bill to regulate the tenure of certain township offices, and repealing all acts and parts of acts in conflict therewith, and declaring an emergency.

Read a second time, and ordered engrossed for a third reading on to-morrow.

House bill No. 61. Entitled a bill to encourage the re-publication of Blackford's Reports, and appropriating money therefor.

Was taken up and recommitted to the Committee on the Judiciary.

House bill No. 51. A bill to amend section one of an act entitled an act to provide for township elections, approved June 15, 1852.

Which was read a second time and re-committed to the Committee on Elections.

House bill No. 68. A bill to amend sections 63 and 69 of chapter 12 of an act entitled "An act to repeal all general laws now in

force for the incorporation of cities," and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a second time, amendment concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

House bill No. 4. A bill to enable citizens to aid in the construction of railroads.

Which was read a second time, with the substitute and House bill No. 4, was indefinitely postponed.

House bill No. 132. A bill to enable citizens to aid in the construction of railroads and water powers.

Which was read a first time and passed to a second reading.

House bill No. 92, entitled a bill proposing to change the name of the House of Refuge for juvenile offenders in this State, to the name of Indiana State Reform School.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 97. A bill authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction relating to the school funds, common and congressional, as required by act approved December 21, 1865.

Which was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

House bill No. 113. A bill to provide for the education of colored children, apply all school laws thereto, and repealing all laws inconsistent herewith.

Which was read a second time.

Mr. Coffroth moved to indefinitely postpone the bill.

Messrs. Coffroth and Cox demanded the ayes and noes.

Mr. Osborn moved to make the bill and motion the special order for Thursday, at 2 o'clock.

Which was agreed to.

Mr. Osborn moved to suspend the regular order of business for the introduction of a bill.

Which was not agreed to.

House bill No. 123. Entitled a bill to amend section three of an act entitled "an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm," approved, March 5th, 1859.

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

House bill No. 100. Entitled a "bill to amend the 10th section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1865.

Which was read a second time.

Mr. Williams of Knox, moved to amend the first section by inserting the word "exclusive" before the word "jurisdiction" in the second line.

Mr. Underwood moved to lay the amendment on the table.

Messrs. Williams of Knox, and Cox, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bobo, Bowen, Britton, Breckinridge, Calvert, Chittenden, Cory, Davidson, Dunn, Fairchild, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of St. Joseph, Jump, Kercheval, Mason, Mitchell, Monroe, Overmyer, Peale, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Underwood, Vater, Wildman, Williams of Hamilton and Williams of Union—40.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Buskirk, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Cunningham, Fuller, Higbee, Johnson of Montgomery, Lawler, Lamborn,

Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mock, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Welborn, Wile, Williams of Knox, Williams of St. Joseph, Zollars and Mr. Speaker—50.

So the motion to lay on the table did not prevail.

Mr. Davis asked and obtained leave of absence until to-morrow.

Pending the consideration of House bill No. 100.

On motion the House adjourned.

TUESDAY, 2 O'CLOCK P. M

The House met.

Mr. Welborn from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills to whom were referred House bills No. 50, 11, 36, 110 and 94, have compared the same with the original bills, and find the same correctly engrossed.

Mr. Welborn, from the Committee on Engrossed Bills, to whom was referred House bill No. 18, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred House bill No. 18, have compared the same with the original bill, and find the same correctly engrossed.

Mr. Welborn, from the Engrossing Committee, submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills would report that they have carefully compared engrossed House bill No. 64 with the original bill, and find it correctly engrossed.

Message from the Governor, by Mr. Commons, his private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 2, 1869. }

MR. SPEAKER :

I have the honor, by direction of the Governor, to transmit herewith his message, accompanied by the report of the Board of State Debt Sinking Fund Commissioners.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives :

I herewith respectfully transmit the report of the Board of State Debt Sinking Fund Commissioners, setting forth their proceedings subsequent to those reported to the last General Assembly.

CONRAD BAKER.

Which, on motion, was laid on the table.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 9, the same was taken up.

The question being on concurring in the motion made by Mr. Neff to indefinitely postpone the bill.

Mr. Pierce, of Vigo, moved to amend by striking out all after the enacting clause, and insert the following :

SECTION 1. That there shall be allowed to the several officers hereinafter named the following annual salaries, to be paid quarterly out of any money in the treasury belonging to the general fund, and not specially otherwise appropriated by law :

First. To the Judges of the Supreme Court, each thirty-five hundred dollars.

Second. To the Judges of the Circuit and Criminal Courts, each twenty-five hundred dollars.

Third. To the Judges of the Common Pleas Court, each two thousand dollars, to be paid in the manner now provided by law.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act; it is therefore hereby declared that the same shall take effect and be in force from and after its passage.

Mr. Zollars moved to lay the amendment on the table.

It was agreed to.

Mr. Vater moved to recommit, with instruction to report a definite salary, to be paid as now provided by law.

Mr. Underwood offered the following amendment to the amendment of Mr. Vater.

Amend by saying "\$2,000, to be paid out of the county treasury."

Mr. Bobo moved to lay the amendment to the amendment on the table.

It was agreed to.

Mr. Bobo moved to lay the motion to recommit, offered by Vater, on the table.

It was agreed to.

By unanimous consent, Mr. Neff withdrew his motion to indefinitely postpone the bill.

Mr. Bobo moved to amend by striking out the words "the same as is now paid to the Circuit Judges," and insert in lieu thereof "\$2,000 per annum."

Mr. Bobo moved to make the bill and pending amendment the special order for to-morrow at three o'clock.

It was agreed to.

Mr. Coffroth moved to reconsider the vote by which House bill No. 116 was indefinitely postponed.

Mr. Miller moved to lay the motion to reconsider on the table.

Messrs. Coffroth and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Britton, Breckinridge, Buskirk, Carnahan, Cave, Cory, Cotton, Cox, Davidson, Dunn, Fairchild, Field of Lake, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Logan, Mason, McFadin, McGregor, Millekan, Miller, Miles, Monrøe, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Zollars—56.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Bobo, Bowen, Calvert, Chittenden, Coffroth, Cunningham, Fuller, Lawler, Lamborn, Long, McBride, Mitchell, Mock, Montgomery, Neff, Palmer, Pierce of Vigo, Ruddell, Sabin, Sleeth, Tebbs, Underwood, Welborn, Wile, Williams of Union, Wilson and Mr. Speaker—32.

So the motion to reconsider was laid on the table.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred Engrossed House bill No. 92, have carefully compared the same with the original, and find it carefully and correctly engrossed.

Mr. Welborn, from the Committee on Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills would report, that they have compared Engrossed House bill No. 97 with the original, and find it correctly engrossed.

SPECIAL ORDER FOR THE DAY AT THREE O'CLOCK.

The hour having arrived for the consideration of the contested election case between Samuel Beaty and William A. Peelle, the same was taken up.

The majority and minority reports of the Committee on Elections, in the contested case of Peelle *vs.* Beaty, were then read.

The question being on the resolution submitted by the minority of the committee.

Mr. McBride offered the following preamble and resolution :

WHEREAS, The Committee on Elections have submitted a majority and a minority report on the subject of the contested seat of Jas. A. Peelle, joint Representative of Starke and Laporte counties, and in their reports sustain the contestor, on the ground that Jas. A. Peelle was at the time of his election a Justice of the Peace. This is doubtless the letter of the law, but the facts show the spirit of this matter to be that James A. Peelle ceased to perform the functions of Justice of the Peace in July, 1866: Therefore,

Resolved by the House of Representatives, That James A. Peelle, the Representative from Starke and Laporte counties, retain his seat in this body as such Representative.

Mr. Pierce of Porter, moved to lay the amendment offered by Mr. McBride on the table.

Which was agreed to.

The question recurring on the resolution submitted by the minority of the Committee.

Pending which,

On motion, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, }
February 3, 1869.

The House met.

The Clerk proceeded to read the Journal, when,

On motion by Mr. Ratliff, the further reading was dispensed with.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills, have carefully compared engrossed House bills Nos. 34, 57 and 123 with the original bills, and find them in all respects correctly engrossed.

Mr. Osborn, by consent, offered the following resolution :

Resolved, That the State Printer be requested to inform the House the cause of the long delay in printing the Governor's Message, and that he be requested to print the same at the earliest possible day.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Underwood presented a memorial on the subject of a prohibitory liquor law from the Officers of the "Genevieve Lodge No. 369, Independent Order of Good Templars."

Which was referred to the Committee on Temperance.

Mr. Johnson of Marshall, moved that the regular order of business be dispensed with, for the purpose of introducing bills.

Which was agreed to.

Mr. Long introduced

House bill No. 133. A bill for the relief of Thomas Hays, refunding purchase money and interest thereon, paid for real estate sold as

swamp land by the State of Indiana, the title to which was in William Robertson.

Which was read a first time, and referred to the Committee on Claims, with the accompanying papers for information.

Mr. ——— introduced

House bill No. 134. A bill to amend an act entitled "An act to amend section number seventy-six of an act entitled an act defining misdemeanors, and prescribing punishment therefor," approved February 14, 1865, and to enforce the same.

Which was read a first time, and passed to a second reading.

Mr. Vater, from the Committee on Education, introduced House bill No. 135: A bill to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs, and declaring them escheated to the State in twenty years.

Which was read a first time, and passed to a second reading.

Mr. Shoemaker, from the Committee on County and Township Business, introduced House bill No. 136, entitled, a bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Osborn introduced House bill No. 137: A bill to amend the 23d section of an act entitled, an act to incorporate the Terre Haute and Richmond (now the Terre Haute and Indianapolis) Railroad Company, approved January 26, 1847, so as to require annual reports and exhibits from the officers of said corporation, declaring the object of the act, and an emergency for its immediate taking effect.

Which was read a first time.

Mr. Osborn introduced House bill No. 138: A bill amending Section 22 of an act entitled an act to incorporate the Terre Haute and Richmond (now Terre Haute and Indianapolis Railroad Company, and declaring the intention of the act, and an emergency for its immediate enforcement.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Wilson, from the Committee on Rights and Privileges of the inhabitants of the State, introduced the following bill:

House bill No. 139: A bill for the relief of Nicholas Morback, Joseph E. Lange and Frances Joseph Wetzler.

Which was read a first time and passed to a second reading.

Mr. Smith asked and obtained leave of absence for Mr. Dunn, until Friday.

Mr. Wildman, from the Committee on Elections, introduced House bill No. 140: A bill repealing Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 of an act entitled an act to provide for the Registry of Voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the service of such officers, approved March 11, 1867, and prescribing further duties of the officers of elections.

Which was read a first time, and passed to a second reading.

Mr. Miles introduced House bill No. 141, entitled a bill to fix the mode of assessing the amount of property upon which taxes shall be assessed.

Which was read a first time.

Mr. Miles moved to suspend the Constitutional rule, requiring bills to be read on three several days, and that the bill be read a second time now.

The ayes and nees being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Cunningham, Fuller, Hamilton, Hutchings, Hyatt, Jump, Logan, McBride, McDonald, McFadden, McGregor, Millekan, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Palmer, Pelle, Shoemaker, Sleeth, Tebbs, Underwood, Welborn, Wile, Williams of Knox, Wilson, Zenor, Zollers and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker, Beeler, Britton, Breckinridge, Chittenden, Davidson, Fairchild, Field of Lake, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Montgomery, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Varde-man, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph and Williams of Union—40.

So the Constitutional rule was not suspended.

On motion, the bill was referred to the Committee on Rights and Privileges.

Mr. Chittenden offered the following preamble and concurrent resolutions :

WHEREAS, General Pleasant A. Hackelman, a brave and true soldier of the late war, who fell in the battle of Corinth, Miss., while gallantly leading his command to victory, and

WHEREAS, General Hackelman was a distinguished citizen of the State of Indiana, widely known and loved for his many virtues and eminent abilities, and

WHEREAS, The remains of this patriotic soldier lie interred in the cemetery at Rushville, Indiana, without monument or stone to mark his last resting place, and

WHEREAS, The widow and family of General Hackelman have been and still are deeply afflicted and unfortunate, and have not the means to place an appropriate monument to his memory ; therefore,

Resolved, That a committee of four be appointed by the Speaker of this House, to confer with an equal number on the part of the Senate, who shall mature some plan by which the people of this State may testify their high appreciation of his many noble qualities, by erecting an enduring monument to his memory.

Resolved, That the Speaker of this House communicate these resolutions to the Senate, and respectfully ask their concurrence in the same.

Which was agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Zollars obtained leave, and called up a resolution amendatory to the rules, presented by him on last Thursday, January 28.

Mr. Gordon moved to lay the resolution on the table.

Messrs. Zollars and Wiles demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Breckinridge, Buskirk, Calvert, Carnahan, Chittenden, Coffroth, Cotton, Gordon, Greene, Hall, Higgins, Hutson, Hyatt, Jump, Logan, Miller, Mock, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Sabiu, Shoaff, Skidmore, Smith, Stewart of Rush, Sunman, Taber, Underwood, Welborn, Wildman, Williams of Hamilton and Wilson—37.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Cave, Chapman, Cory, Cox, Cunningham, Davidson, Fairchild, Field of Lake, Fuller, Gilham, Hamilton, Higbee, Johnson of Montgomery, Johnson of St. Joseph, Kercheval, Lawler, Lamborn, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miles, Montgomery, Neff, Odell, Palmer, Peelle, Pierce of Porter, Ruddell, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Tebbs, Vardeman, Vater, Wile, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—53.

So the resolution was not laid on the table.

Mr. Ratliff moved to amend by allowing each member to offer only one resolution or bill, at each time of calling the roll.

Which was accepted by the mover.

Mr. Vater moved to amend by striking out so much as relates to petitions.

Which was agreed to.

Mr. Overmyer moved to amend by striking out all that part which refers to resolutions.

Which was not agreed to.

Mr. Osborn offered the following amendment:

That the names of members who have offered no bills be called, in order to afford them an opportunity to offer bills, and after one

call there shall be no further call of the roll until again called for by a majority of the members.

Mr. Kercheval moved to lay the motion on the table.

Which was agreed to.

The question then recurring on the resolution as amended.

Which was agreed to, and the resolution laid over under the rule.

Mr. Coffroth raised the following point of order:

"Inasmuch as the House did, on a previous day, dispose of the subject matter contained in the resolution, it was out of order for the House to entertain it now."

Whereupon, the Speaker declared the point of order not well taken, as it was his opinion that the subject matter had not before been under consideration by the House.

Mr. Kercheval introduced

House bill No. 142. A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Johnson, of Marshall, introduced

House bill No. 143. A bill supplemental to an act entitled "An act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties in the State, and to provide for the taking up, impounding and selling such animals as shall not be allowed by law to run at large," approved May 31, 1862, and declaring an emergency.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Admire introduced

House bill No. 144. A bill to amend section 61 of an act enti-

tled an act to repeal all general laws now in force for the incorporation of cities; and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same; and to regulate such other matter as properly belongs thereto.

Which was read a first time and referred to the Committee on Corporations.

Mr. Breckinridge introduced

House bill No. 145. "A bill to amend sections 1, 6 and 9 of an act entitled an act to incorporate the Lafayette Insurance Company," approved February 8, 1836.

Which was read a first time.

Mr. Underwood moved to refer to the Committee on Insurance.

Which was not agreed to.

On motion it was then referred to the Committee on Corporations.

The Speaker announced the following committee on part of the House, on the monument of General Hackelman:

Messrs. Chittenden, Stewart of Rush, McBride and Johnson of Marshall.

Mr. Cox introduced

House bill No. 146. "A bill requiring Township Trustees to examine the dockets of Justices of the Peace, as to their delinquency in paying over fines to the proper officers."

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Palmer introduced

House bill No. 147. A bill to provide for the care of certain idiots.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Green introduced

House bill No. 148 entitled "A bill in relation to the payment of

costs in certain appeal cases under the act in relation to public and private highways."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Beeler introduced

House bill No. 149. A bill to prevent the bringing into or keeping within the State of any cattle or other stock affected with any contagious disease, and to provide for the collection of damages from any person or persons, corporations or companies offending against the provisions of this bill.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Vater introduced

House bill No. 150. A bill appropriating twelve thousand dollars for furnishing wards and subsisting patients in the north wing of the Indiana Hospital for the Insane until the 31st of March, 1869, and declaring an emergency.

Which was read a first time.

Mr. Vater moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be read a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Fairchild, Field of Lake, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Peelle, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams

of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bobo, Gordon, Higbee, Odell, Shoemaker and Sleeth—8.

So the constitutional rule was suspended, and the bill read a second time by its title, and ordered to be engrossed for a third reading on to-morrow.

Mr. Lamborn introduced

House bill No. 151 entitled "A bill to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish fever, by the importation and introduction of cattle into the State of Indiana infected with, or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle from the owners of such cattle."

Which was read a first time, and referred to the Committee on Texas Cattle.

Mr. Overmyer offered the following resolution:

Resolved, That the Principal and first Assistant Clerk be allowed each \$10 worth of postage stamps, as the same are absolutely necessary to the transaction of their official business.

Which was agreed to.

Mr. Shoemaker introduced

House bill No. 152. A bill to limit the time for commencing actions for the recovery of lands sold for taxes.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wile introduced

House bill No. 153. A bill to repeal all laws providing not more than five acres shall be subject to taxation within a city, and to make all property subject to State and county taxation within a city subject to taxation for city purposes.

Which was read a first time, and referred to the Committee on Cities and Towns.

Mr. Admire offered

Joint Resolution No. 6. A resolution in regard to the standing armies in the Southern States, and asking that our Senators and Representatives in Congress use every honorable method in having the same disbanded.

Which was read a first time.

Mr. Admire moved that the resolution be referred to the Committee on Federal Relations.

Which was not agreed to.

Mr. Buskirk moved to indefinitely postpone the resolution.

Messrs. Carnahan and Admire demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Breckinridge, Buskirk, Chapman, Davidson, Fairchild, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardaman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Wilson—45.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Wile, Williams of Knox, Zenor, and Zollars—39.

So the motion to postpone indefinitely prevailed.

Mr. Coffroth moved that the House hold a session to-night, commencing at 7 o'clock, for the purpose of introducing bills.

Which was not agreed to.

The hour of eleven having arrived,

Mr. McFadin moved that the regular order of business be suspended for the purpose of introducing bills.

Which was agreed to.

Mr. Higbee introduced

House bill No. 154. A bill to authorize Boards of Commissioners of the several counties in this State to levy taxes for the purpose of making subscription to the capital stock of any railroad company, and providing for the collection of such taxes, and the subscription of such stock.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Mason introduced

House bill No. 155. Entitled a bill to amend "An act entitled an act to discourage the keeping of useless and sheep killing dogs, and providing penalties therefor," approved March 2, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Stewart, of Ohio, asked and obtained leave of absence for next week.

Mr. Neff introduced

House bill No. 156. A bill to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State; or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Ruddell introduced

House bill No. 157. A bill to regulate the publication of legal advertisements.

Which was read a first time, and referred to the Committee on Printing.

Mr. Gordon introduced the following joint resolution instructing

our Senators and requesting our Representatives in Congress to secure the passage of a law granting to soldiers of the Federal army, in the late rebellion, land warrants.

Which was read a first time, and referred to the Committee on Federal Relations.

Mr. Gilham introduced

House bill No. 158. A bill to amend section 23 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasures and auditors, and the treasurer and auditor of State," approved June 21, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Mitchell introduced

House bill No. 159. A bill to amend section 10 of an act to authorize and limit allowances by Courts and Boards, and drafts upon County Treasurers, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stephenson introduced

House bill No. 160. A bill to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all the officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Which was read a first time, and passed to a second reading.

Mr. Stewart, of Rush, introduced

House bill No. 161. Entitled a bill to amend an act exempting certain property from sale on execution, lein, &c., approved February 17, 1852, by adding an additional section thereto.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. McFadin introduced

House bill No. 162. A bill authorizing Township Trustees to hold their office for the term of three years.

Which was read a first time, and referred to the Committee on Elections.

Mr. Hamilton offered the following resolution :

Resolved, That the Committee appointed to investigate the accounts of the State Printer be allowed one Clerk, to be paid for the time employed only, and that they also be allowed five dollars worth of stationery for the use of said Committee.

Which was agreed to.

Mr. Jump introduced

House bill No. 163. A bill to prevent the erection or maintaining of a nuisance on or adjoining the lands belonging to the State of Indiana.

Which was read a first time, and referred to the Committee on Benevolent Institutions.

Mr. Vardeman introduced

House bill No. 164. Entitled a bill to amend section 2 of an act entitled "An act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one half miles of the terminus of any plank, macadamized or gravel road organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'An act authorizing the construction of plank, macadamized and gravel roads,' approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile and is not sufficient for the completion of the same and the collection of such assessments: *Provided*, The lands are situated within the county in which such road is located," approved March 11, 1867.

Which was read a first time, and referred to the Committee on Roads.

Mr. Beeler introduced

House bill No. 165. A bill to provide for a Geological Board and

Survey in connection with the Indiana State Board of Agriculture of Indiana.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Hamilton introduced

House bill No. 166. A bill requiring the publication of legal advertisements and notices to be made in German newspapers in certain cases.

Which was read a first time, and referred to the Committee on Printing.

Mr. Osborn introduced

House bill No 167. An act defining certain misdemeanors, and prescribing punishment therefor, and fixing fees of certain officers in prosecutions under this act, and preventing minors from playing at billiards at public Billiard Saloons.

Which was read a first time, and passed to a second reading.

Mr. Logan introduced

House bill No. 168. A bill to encourage the destruction of foxes and wildcats.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Odell introduced

House bill No. 169. Entitled a bill to amend sections 2d and 22d of "An act concerning inclosures, trespassing animals, and partition fences," approved June 4, 1852, and to repeal sections 14 and 23 of said act, and declaring an emergency.

Which was read a first time, and referred to the Judiciary Committee.

Mr. Wile offered the following resolution :

Resolved, That the inclosed bill of Mr. James A. Thornton for mileage and per diem be referred to the Committee on Claims.

Which was agreed to.

Mr. Zenor moved that the House do now adjourn.

Which was not agreed to.

Mr. Kercheval introduced

House bill No. 170. "A bill to provide for the assessment and collection of taxes for municipal purposes, on shares of stock owned in banks or banking associations."

Which was read a first time and referred to the Committee on Banks.

Mr. ——— introduced

House bill No. 171. A bill to amend section eight of an act providing for the election of Clerks of the Circuit Courts, and prescribing some of their duties. Approved June 7th, 1852.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Stephenson from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills would report that they have carefully compared engrossed bill No. 72, with the original, and find the same correct.

Mr. Stephenson from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills would report that they have carefully compared Engrossed Bill No. 78, with the original, and find the same correct.

On motion of Mr. Davidson, the House adjourned.

WEDNESDAY, 2 O'CLOCK.

The House met.

House bills on second reading.

House Bill No. 17. A bill establishing and regulating a Public Printing Office, making appropriations therefor, and repealing all laws inconsistent therewith.

Which was read a second time.

Mr. Williams of Knox, moved to amend by recommitting the bill to the Committee on Printing with instructions to report a bill to authorize the Secretary of State to let all printing out by contract, to the lowest reasonable bidder.

Mr. McFadin moved to postpone the further consideration of the bill and make it the special order for Friday at three o'clock.

Which was agreed to.

House bill No. 71. "A bill to amend section 13 of an act entitled an act for the incorporation of towns, defining their powers, providing for elections of officers thereof, and declaring their duties, approved June 11, 1852, and repealing all laws in conflict herewith, and declaring an emergency.

Which was read a second time.

Mr. Osborn moved to strike out "real estate," and add, provided, that, for the purpose of raising revenue for cities and towns, they shall adopt the appraisements of real estate made for State and county purposes.

Which was agreed to, and the bill ordered to be engrossed.

Mr. Stephenson, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills report that they have carefully compared House bill No. 150, with the original and find the same correct.

Mr. Kercheval moved to suspend the regular order of business, and take up Senate joint resolution No. —.

Which was not agreed to.

Message from the Senate by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed concurrent resolution of the House, appointing a committee to devise some plan for erecting a monument to the memory of the late Gen. Pleasant A. Hackelman, and that the President has, in accordance with said resolution, appointed on the part of the Senate, Messrs. Elliott, Fisher, Stein and Henderson.

House bill No. 127. A bill making it lawful for County Recorders to demand and receive their fees for recording, at the time, any deed, mortgage or other paper presented to them for record.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 52. "A bill authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867.

Which was read a second time with the following amendments.

Amendments to House bill No. 52, reported by the Committee on Roads :

Amend the 1st section of said bill as follows, to-wit: After the word "organized," in the 5th line of said section, the following words: "Or that may hereafter be organized."

Amend said 1st section further by adding after the words "having a," in the 9th line, the words "valid and solvent."

Amend the 2d section of said bill by inserting before the word "session" the words "or called," in the 4th line of said section.

Amend further said 2d section of said bill by adding after the word "stead," in the last line of said section, the following: "Or if no such appointment shall have been made, it shall then be the duty of the two disinterested Assessors to make said assessment."

Amend 3d section by inserting in the 6th line thereof, after the word "oath," the words "of office." Insert in the 12th line of said section, after the word "of," the words "each of."

Amend the 4th section of said bill by adding to said section, after the word "Treasurer," in the 33d line thereof, the following: "Except such a per cent. of the assessments against such lands as the owners thereof shall not at that time have paid their rateable proportion of the entire assessment upon, and it is hereby made the duty of said Board of Directors, from time to time, to order the collection of such unpaid rateable proportions as they may deem proper, until all persons against whose lands assessments of benefits have been made and not released under the provisions of this act, shall have paid their full proportion of said assessment. All funds thus collected, after the completion of the road for which said assessments were made, shall be applied to the keeping up of repairs."

Amend said bill by striking out section "8," and inserting the following sections:

SEC. 8. Any such company or person feeling aggrieved by any such assessment may, without filing an appeal bond within sixty days from the filing of such assessment, appeal from such assessment to the Circuit or Common Pleas Court of the county in which such lands so assessed are situate; and after such appeal shall have been taken, and the papers therein shall have been filed in said Court, either party may have the question of such assessment submitted to a jury for reassessment, when and where witnesses may be examined on behalf of said company or person, and the jury may, by direction of the Court, be required to review the premises in controversy, and upon such review and the evidence adduced in Court, shall reassess the benefits to such lands, if any there be, and such reassessment and report thereof by such jury, shall be final between the parties.

SEC. 9. To constitute an appeal under the provisions of this act, it shall only be necessary for the party desiring to appeal to file with the Auditor in whose office said assessment is filed, a written notice of his or her intention to appeal from said assessment, stating therein the particular portion or portions of such assessment he appeals from, and the Court to which the appeal is

to be taken; and it shall therefrom be the duty of said County Auditor to make out and certify a transcript of such notice and so much of said assessment as may be applicable to said appeal, which transcript shall, by the party appealing, be filed in the office of the Clerk of the Court to which such appeal is taken, and such appeal shall be deemed to have been taken on the day of the filing of such transcript.

SEC. 10. Where appeals by different parties are pending in the same Court from the same assessment, or where the company shall have appealed from the assessment upon more than one tract of land along the line of her road, the Court may, in its discretion, order all of said causes thus pending to be submitted to the same jury at the same time.

SEC. 11. It shall be the duty of the Court in which such causes are pending, to render separate judgment for or against the parties to each reassessment, in accordance with the report of assessment and findings made by the jury, unless for cause shown a new trial should be granted. Provided, however, that the granting of a new trial upon an assessment of benefits to one tract of land, shall not, in any manner, affect the rights of parties to assessments of benefits to other tracts of land assessed by the same jury.

SEC. 12. Where an appeal is taken by the company from an assessment made against lands belonging to persons not residing in this State, or minors *residents* of the State, it shall be the duty of said company to give, by publication in some weekly newspaper published in the county where the lands are situated, or if no such paper is published in said county, in such paper published nearest thereto, notice that such assessment has been made, that said company has appealed therefrom, and the Court to which such appeal has been taken, for three weeks successively, and upon proof of such notice and default being made by such non-resident owner, the Court may either order a reassessment of said lands by a jury, or affirm the assessment first made; and in either event it shall be the duty of the Court, by its order to make the amount of such assessment a lien upon such lands, and direct the sale thereof by the sheriff as lands are sold upon judgments at law for the payment and satisfaction of such assessment and lien: *Provided, however,* that where such appeal by the company affects the lands of minors

resident of this State, the Court shall, upon that fact being made to appear, continue said cause until the next term of said Court, and thereafter shall have power to make the same orders in such causes as are herein provided to be made in cases of appeal by a company from assessments of benefits to lands owned by non-residents.

Sec. 13. In all cases of appeals by such company, provided for by this act, where the assessment upon any tract or tracts of land, thus appealed from, shall be reduced, the costs thereof shall be taxed to said company; and in all cases of assessments appealed from by the owner or owners of the lands assessed, when such assessment shall not have been reduced, the costs of such appeal and reassessment shall be taxed to the owner of said land and in all other cases, the judgment for costs shall follow the finding of the jury, as in other cases in said Court.

Sec. 14. The company, by her Board of Directors, at any time after any portion of any assessment of benefits in her favor, shall have become a lien upon the lands of the party seeking relief, may, upon satisfactory proof being made to them that such party cannot then, or as such assessment matures, pay the same without seriously endangering his or her homestead, or the maintenance of his or her family, may, in their discretion, give such party further time for the payment of such assessment, or remit to him or her all or such portion of such assessment as such Board of Directors may deem proper: *Provided, however*, that whenever such Board shall have exercised, in favor of any party, the powers herein conferred, such Board of Directors shall cause a certified copy of their order in the premises to be filed with the Auditor of the county in which the lands lie, or if the cause shall have been appealed, then said certified copy of said order to be filed in the office of the Clerk of the Court to which said appeal was taken, and the collection of such assessment against said party shall thereafter be governed by the terms and conditions of said order.

Sec. 15. All judgments of any Court rendered by virtue of the powers of this act, shall be subject to the same stay of execution, and upon the same terms that other judgments at law of the same Courts are, and all sales of property, whether real or personal, made by virtue of the judgment or order of any Court, pursuant

to the provisions of this act, shall be without relief from valuation or appraisement laws of this State: *Provided, however,* That in the enforcement of the collection of all judgments and orders of sale made and rendered by any Court "for benefits" pursuant to the provisions of this act, the rule prescribed in the fourth section of this act for the government of County Treasurers in making collections, as to the amount to be collected in each year, shall govern.

Sec. 16. Where assessments of benefits have heretofore been made under the laws of this State, against lands and in favor of any Plank, Meadamized or Gravel Road Company, for an amount or amounts greater than the real benefits resulting from the construction and permanent maintenance of said road, and through mistake, inadvertence or otherwise, have not been appealed from, or where such assessments by mistake, accident or otherwise, may hereafter be made larger than the benefits, and not appealed from within the time prescribed by law, it shall be lawful for such company, in whose favor such assessments has been made, by order of her Board of Directors, to remit or release to such party such per cent. of said assessment as will make it equal to the benefits resulting to his or her lands.

Sec. 17. Where assessors of benefits have, under the law in force January 1st, 1869, been appointed and qualified, but have not completed their said assessments, the company for whose benefit they have been appointed may either require them to complete their assessment under the provisions of this act, or petition the board of commissioners for the appointment of assessors, and an order of assessment in accordance with the provisions of this act: *Provided, however,* that all assessments of benefits made in favor of any company under the law in force January 1st, 1869, in their collection, appeals therefrom the powers and duties of courts, officers and jurors, and parties in relation to said appeals, the expense and manner of collecting such assessments, the applications by the company of the funds arising from such assessments, and all other matters pertaining to such assessment, shall be governed by the provisions of this act.

Sec. 18. That where appeals have been taken or attempted to be taken under the law repealed by this act from assessments made

under said law, and have, by any Court, been dismissed for the reason that said appeals were not taken within thirty days from the time of making or filing said assessment, or that an appeal bond had not been filed, may, upon motion and notice thereof, by order of said Court, be reinstated upon the docket of said Court, and when so reinstated shall, in all things, be governed by the provisions of this act.

Sec. 19. It shall be the duty of the several County Treasurers and all other officers having charge of the collection of assessments under the provisions of this act, to pay over, on demand, to the authorized officer or agent of any company, all moneys in his hands belonging to such company, taking the company's receipt therefor, which receipt shall be a sufficient voucher to said Treasurer or other officer in the settlement he may be required by law to make with reference to the moneys so collected and paid over by him.

Mr. Vater moved that the bill and amendments be laid on the table.

Which was not agreed to.

Mr. Chittenden offered the following amendment :

"Amend section 1st to read as follows, 4th and 5th line : "Having a subscription of at least one half the estimated cost of construction per mile, of such proposed route."

Mr. Cox moved to strike out all after the enacting clause and insert the following :

"That the above recited act, be and the same is hereby repealed."

Mr. Gordon moved to lay the motion of Mr. Cox on the table.

Messrs. Neff and McFadin demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Addison, Baker, Barrett, Bates, Beeler, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Davidson, Fairchild, Field of Lake, Field of Lagrange, Fuller,

Gilham, Gordon, Greene, Hall, Higgins, Hutson, Hyatt, Johnson of St. Joseph, Lamborn, Logan, Long, Millekan, Miller, Palmer, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—50.

Those who voted in the negative were

Messrs. Admire, Bobo, Coffroth, Cory, Cotton, Cox, Cunningham, Furnas, Johnson of Montgomery, Jump, Lawler, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Peelle, Pierce of Porter, Shoemaker, Sleeth, Tebbs, Vater, Wile, Williams of Knox, Zenor and Zollars—35.

So the motion to lay on the table prevailed.

Mr. Bobo offered the following amendment :

Amend by adding the following proviso to section 2 :

Provided, That no lands under the provisions of this act shall be taxed for the construction of more than one road without the consent of the owner thereof.

Mr. Shoaff moved to suspend the further consideration of the bill till Wednesday at two o'clock.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 9, the same was taken up.

House bill No. 9. A bill entitled an act to fix the salaries of the Judges of the Common Pleas Courts of the State of Indiana, and to provide for the payment thereof out of the State Treasury.

Mr. Buskirk moved to postpone the further consideration of the bill until Tuesday next at two o'clock.

Which was agreed to.

Mr. Pierce moved that the House proceed to the consideration of the contested election case between Peelle vs. Beaty.

Which was agreed to.

The question being on the resolution submitted by the minority of the Committee, declaring the seat now occupied by Mr. Peelle vacant, and asking a new election,

Mr. Coffroth moved to postpone the further consideration of the case until to-morrow morning at ten o'clock.

Which was agreed to.

The Speaker laid before the House the following communication:

To the House of Representatives:

GENTLEMEN:—Your resolution of the 22d ult., requesting information giving the amount of taxation levied one each one hundred dollars, and the school funds in the several States of the Union, has been received at this office.

The statistics at my command are too meager to enable me to reach any satisfactory results. I have made inquiry of some of our best educational statisticians, and to this time their replies afford me but little aid. As soon as I can collect, by correspondence, satisfactory information, I will speedily present it.

Respectfully,

B. C. HOBBS,

Superintendent of Public Instruction.

Which was laid on the table.

On motion by Mr. Carnahan, the House adjourned.

THURSDAY MORNING, 9 o'clock, }
February 4, 1869. }

The House met.

The Clerk proceeded to read the Journal.

Mr. Underwood moved to dispense with the further reading.

Which was not agreed to.

The Journal of yesterday was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Stewart, of Rush, presented three petitions, signed by sundry citizens, in regard to the liquor traffic.

Which were referred to the Committee on Temperance.

Mr. Hall presented a petition from citizens of Warren county, asking a change in the common school law.

Which was referred to the Committee on Education.

Mr. Tebbs presented two petitions from citizens of Floyd county, on the evil growing out of monopolies of railroads.

Which were referred to the Special Committee on Railroads.

Mr. Johnson, of Marshall, presented a petition from sundry citizens of Marshall county, praying for the enactment of a law prohibiting the traffic in intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Johnson presented a petition from citizens of Sullivan county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Fuller presented a petition from a number of citizens of Warrick county, praying for the passage of a law to enable County Commissioners to subscribe stock to railroads.

Which was referred to the Committee on Railroads.

Mr. Ratliff presented a petition signed by sundry citizens, asking that a suitable prison for women and girls, reformatory, be erected.

Which was referred to the Committee on Female Prisons.

Mr. Welborn presented a petition from Frank D. Allen, in regard to money paid for iron work on the building for the use of the Supreme Court and State officers.

Which was referred to the Committee on Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Wildman, from the Committee on Elections, made the following report:

MR. SPEAKER:

The Committee on Elections, to whom was referred House bill No. 23, a bill to amend an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852, and to amend an act entitled "An act to provide for township elections," approved June 15, 1852, to provide for the continuance of the terms of certain officers, and to repeal all laws inconsistent therewith, have had the same under consideration, and ask leave to make the following report:

At the close of section 3, the committee recommend the insertion of the following words:

"*Provided.* That in all cases where a vacancy occurs in any office by limitation, as provided by the Constitution of this State, that the same may be filled as now provided by law."

The committee also recommend an additional section to said bill in the following words:

"Section 5. It is hereby declared that an emergency exists for the immediate taking effect of this act. It is, therefore, hereby declared that the same shall take effect and be in force from and after its passage. With the adoption of the foregoing amendments, the committee recommend the passage of the bill."

Mr. Pierce, of Vigo, asked and obtained leave of absence for Mr. Hamilton on account of sickness.

Mr. Williams of Knox moved to lay the report of Mr. Wildman on the table.

Which was not agreed to.

The question being on concurring in the report of the committee.

It was concurred in.

Mr. Stephenson, from the Judiciary Committee, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 78, allowing county officers specific salaries, report the following amendment :

After section 4 in said bill insert the following :

SECTION 5. In case any of the above named county officers neglect or refuse to perform any or all of the duties prescribed in this act, or neglect or refuse to collect promptly and without unnecessary delay, all fees, costs and charges taxed by this act, and pay the same into the county treasury, when the same is so payable, he shall, on conviction therefor, be fined in any sum not exceeding \$1,000, and removed from office, either or both at the decision of the court or jury trying the same, and it is hereby made the duty of the Circuit and District Prosecutors to prosecute in all such cases as in other cases of misdemeanor, and when so amended, respectfully recommend its passage.

Which was laid on the table.

Mr. Baker, from the Committee on Education, made the following report :

MR. SPEAKER :

The Committee on Education, to whom was referred House bill No. 114, being a bill to amend section 5 of an act entitled "An act to provide for a general system of common schools," have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Vater, from the Committee on Education, made the following report :

MR. SPEAKER:

Your committee, to whom was referred several petitions from citizens of Pike and Dubois counties, asking that the school law be so amended that school houses may not be used for holding religious worship on account of the waste and destruction caused thereby, would respectfully report that inasmuch as it is now made the duty of the Trustee to take care of and preserve the school houses in his township, and therefore all further legislation is deemed unnecessary.

Which was concurred in.

Mr. Stephenson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills would report that they have compared engrossed House bill No. 127 with the original bill, and find the same in all things to be correct.

Mr. Vater, from the Committee on Education, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 37, a bill to authorize Township Trustees to negotiate all bonds to procure means with which to erect and complete unfinished school buildings, and to pay debts for the erection of said buildings, have had the same under consideration, and instructed me to report back the same, with the following amendments:

Amend section 1 by inserting between the words "Trustee" and "have," in the fourth line, the words "upon petition of a majority of the tax payers thereof;" between the words "for" and "school," in the sixth line, the words "graded or high," and by substituting the word "ten" for "twenty," in the twenty-fourth line, and when so amended, recommend its passage.

Which was laid on the table.

Mr. Tabor, from the Committee on Education, made the following report:

MR. SPEAKER :

Your committee, to whom was referred House bill No. 155, entitled "A bill to amend an act to discourage the keeping of useless and sheep killing dogs, and providing penalties therefor," approved March 9, 1865, beg leave to report that they have had the same under consideration, and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Ratliff, from the Committee on Education, made the following report :

MR. SPEAKER :

The Committee on Education, to whom was referred House bill No. 93, requiring the ten thousand dollars now known as the Normal School Fund, to be drawn from the State Treasury, instead of the School Fund of the State, have had the same under consideration and instructed me to report the same back to the House and recommend its passage.

Which was laid on the table.

Mr. Breckinridge, from the Committee on Rights and Privileges, made the following report on House bill No. 161, an act to amend an act exempting certain property from sale on execution, being chapter 16, approved February 17, 1852, by adding an additional section thereto, have had the same under consideration and recommend its passage.

Which was laid on the table.

Mr. Fairchild, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 147, entitled "an act to provide for the care of certain idiots," have had the same under consideration, and recommend its passage without amendment.

Which was laid on the table.

Mr. Carnahan, from the Committee on House bill No. 141, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 141, entitled an act to fix the mode of assessing the amount of property upon which taxes shall be assessed, recommend striking out the emergency clause and insert "this act shall take effect January 1, 1870," and when so amended recommend its passage.

Which was laid on the table.

Mr. Furnas, from the Committee on House bill No. 82, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 82, "a bill to amend an act for the protection of wild game," have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Furnas, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 98, an act entitled "an act to provide for the protection of fish," have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Cunningham, from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House bill No. 143, providing for the regulation of the running at large of all kinds of animals in the different counties and townships of the State, and to provide for the taking up, impounding and selling such animals as shall not be allowed by law

to run at large, etc., have had the same under consideration, and recommend and request its passage.

Which was laid on the table.

Mr. Hyatt, from the Committee on County and Township Business, to whom was referred House bill No. 168, submitted the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House bill No. 168, "for the encouragement of the destruction of foxes," have had the same under consideration, and have authorized me to report the same and recommend it be laid on the table.

Mr. McFadin moved to refer the bill to the Committee on the Rights and Privileges of the Inhabitants of the State.

Which was agreed to.

Mr. Fairchild, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 126, a bill authorizing County Commissioners to furnish Justices of the Peace certain books and stationery, and prescribing for their disposition, report that they have had the same under consideration, and recommend its indefinite postponement.

Which was concurred in.

Mr. Sabin, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee, to whom was referred House bill No. 47, a bill to provide for the biennial election of Township Trustees, beg leave to report that whereas a bill embracing the same subject has already passed to a third reading; therefore,

Resolved, That this bill do lie on the table.

The report was concurred in, and the bill laid on the table.

Mr. Smith, from the Committee on Mileage and Accounts, made the following report:

MR. SPEAKER:

The Committee on Mileage and Accounts, to whom was referred House bill No. 53, entitled "A bill to regulate the mileage of Sheriffs, in conveying convicts to the State Prisons, and repealing all laws in conflict herewith," have had the same under consideration, and have instructed me to report the following amendment thereto, viz:

Amend by adding to section first, the following words, viz:

"Provided, that Sheriffs shall be allowed mileage for all the miles necessarily traveled in conveying female convicts to said prison," and when so amended they recommend the passage of said bill.

Which was laid on the table.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 42, entitled an act to amend section twenty-one of an act entitled an act to authorize a company to construct the Aurora and Laughery Turnpike, approved February 15, 1848, would respectfully represent that we have had the same under consideration, and have directed me to report the same and recommend its passage without amendment.

Which was concurred in.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads have had House bill No. 43, entitled an act to repeal an act entitled an act to repeal an act entitled an act to allow County Commissioners to organize Turnpike Companies, where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and to provide for the same to be free, approved

March 6, 1865, under consideration, and direct me to report the same with the following amendment, to-wit:

Add to said bill the following words:

"Saving, however, all the rights, privileges and franchises conferred upon any company created, or existing under said act, as fully and effectually as if the said act had not been repealed," and when so amended, your committee recommend the passage of the bill.

Which was laid on the table.

Mr. Underwood, from the Committee on Insurance, made the following report:

MR. SPEAKER:

Your Committee on Insurance, to whom was referred House bill No. 60, "A bill supplemental to an act entitled an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," have had the same under consideration, and order the same to be reported back with the following amendments:

Strike out all after the enacting clause, and insert the following:

Section 1. That any number of persons not less than thirteen in number, may associate and form an incorporation to make insurance upon the lives of individuals, and every insurance appertaining thereto or connected therewith, and to grant, purchase, or dispose of annuities. Every Life Insurance Company organized under this, or under any former act of this State, shall have authority to reinsure any risk herein authorized to be undertaken, and shall be perpetual.

Sec. 2. No company, partnership, or association organized or incorporated by or under the laws of this or any other State of the United States, or any foreign government, transacting the business of Life Insurance in this State, shall be permitted or allowed to take any other kind of risks except those connected with or appertaining to making insurance on the lives of individuals, and the granting, purchasing and disposing of annuities; nor shall the business of Life Insurance, in this State, be in anywise conducted or

transacted by any company, partnership, or association which, in this or any other State or country, makes insurance on marine or fire risks.

Sec. 3. The persons referred to in the first section of this act shall be designated as corporators, and they shall file in the office of the Auditor of State a declaration signed by each of the corporators, setting forth their intentions to form a company for the purposes named in this act; which declaration shall comprise a copy of the articles of association and by-laws they propose to adopt.

Sec. 4. Before any Life Insurance Company organized under this act shall issue any policy, such company shall have a capital of one hundred thousand dollars, paid in money and invested in the stocks or bonds of the United States or of this State, or of any county of this State, or the stocks of any of the banks thereof, or in bonds and mortgages on improved unincumbered real estate, worth seventy-five per cent. more than the amount for which the same is mortgaged, exclusive of buildings thereon, unless such buildings are insured in a responsible company, and the policy or policies transferred to said Life Insurance Company, or on pledges of any of the stocks or bonds named in this section. It shall be lawful for any company, organized under this act, to change or re-invest its capital, or any part thereof, at any time they may desire, in the stocks or bonds and mortgages, or securities aforesaid; and that any Life Insurance Company, heretofore organized under former acts of this State, shall, within four months after the passage of this act, increase the assets of such company by the addition of capital stock herein made and provided: *Provided*, that before any capital stock shall be added to the assets of such company, notice of such intention shall be given by advertising for sixty days in one daily and one weekly paper (if there be such in the county where such company is located), stating in such advertisement at what time and place books will be open to receive subscriptions to said capital stock; and a similar notice shall be mailed to each one insured, at least sixty days before opening of said books. Books shall be open to receive subscriptions not less than five days; and if more than the amount of capital stock designated is subscribed, the insured of such company shall have preference over other persons not insured in said company.

Sec. 5. The subscribers or holder of the guarantee capital stock in a Mutual Life Insurance Company shall choose the first Board of Directors; at all subsequent elections they shall choose one-half of the Directors until the redemption of the guarantee stock, when the insured shall choose the Directors.

Sec. 6. Whenever any such company shall file with the Auditor of State a statement verified under oath by the President, Secretary, and a majority of the Directors, showing that the requirements of this act, so far as applicable to it, have been fully complied with, it shall be the duty of said Auditor to furnish such company with a certificate under his official seal, certifying such fact of compliance, and authorizing such company, from and after the date thereof, to issue policies of insurance, according to the true intent and meaning of this act, for which certificate said Auditor shall receive from the company to whom issued, the sum of five dollars, and any Life Insurance Company that shall issue a policy before receiving such certificate, shall forfeit to the State three hundred dollars for each policy thus issued. The stockholders of such guarantee stock shall be entitled to such annual dividends, not exceeding 20 per cent., as may be agreed upon at the time of subscribing the capital; if the net surplus, over a requisite reservation for liabilities and contingencies, is sufficient to pay the same, and if less than the sum originally agreed on, it shall be made equal to it when the profits of the company are sufficient.

Sec. 8. One quarter of the estimated surplus fund, above sufficient fund to provide for risks, losses, expenses and dividends, shall be reserved to be appropriated to the redemption of the guarantee stock, and after the expiration of ten years from the organization, or as soon thereafter as the amount reserved is sufficient, and a majority of the insured so vote, the guarantee stock shall be redeemed.

Sec. 9. The Directors of Life Insurance Companies, which do business upon the principles of mutual insurance, or the members of which are entitled to share in the surplus funds thereof, may make distribution of such surplus, as they have accumulated annually, or once in two, three, four or five years, as the directors thereof from time to time determine in determining the amount of the surplus to be distributed, there shall be reserved an amount not less than the aggregate net value of all the outstanding policies, said value being

computed on the rate of mortality established by the American experience table, with interest at the rate of four and a half per cent. per annum; the expiration of life and the numbers of living and dying at each age from ten to ninety-five years, out of every hundred thousand persons living at the age of ten years, as stated in the schedule hereto annexed.

Sec. 10. The surplus fund or estimated profits, may be distributed among the insured in mutual companies, in proportion to the sums of money which each member has contributed to the entire surplus fund to be distributed among all the insured policies which have become payable before the time when such distribution is made, and after the date of the last previous distribution of surplus may share in the same equity and proportionally, or such surplus fund or estimated profits may be distributed to the insured in proportion to the amount of annual premium paid on each policy; and such fund or profits may be applied in the reduction of future premiums, or to an increase of the policy, or to the payment of any indebtedness of the insured to such company.

Sec. 11. A policy of insurance on the life of any person, to be for the benefit of any married woman, or a policy assigned, transferred, or made payable to any married woman, whether procured by herself, her husband, or any other person, shall inure to her separate use and benefit, and that of her children, independently of her husband, or his creditors, or the person effecting the same, or his creditors; and in like manner, in all other cases, the policy of insurance shall inure solely to the benefit of the person or persons for whose benefit such policy was issued, assigned, or transferred: Provided, that nothing herein shall prevent the transfer of such beneficiary; and provided further, that said exemption shall not apply to any married woman as against creditors of her husband, where the amount of premium annually paid out of the funds or property of the husband shall exceed three hundred dollars.

Sec. 12. All policies on the lives of persons by any company, organized and doing business under the laws of this State, shall be non-forfeitable in their terms after two or more full annual premiums have been paid. Policies on which premiums are required to be paid for a given number of years shall secure to the assured a paid up policy on which no further premium shall be required, for

a sum which shall bear the same proportion to the original amount insured, as the number of full annual premiums paid bear to the full number of premiums required to be paid. And all policies on which annual premiums are required during the natural life of the insured, the assured shall be entitled to receive a paid up policy, on which no further payments shall be required, for a sum which shall bear the same proportion to the original amount of the policy as the number of full premiums paid bear to the number of full premiums which would be required of the insured on his expectation of life, according to the rate of mortality established by the "American experience table," and all policies issued by any such company shall specify the actual amount of paid up policy to which the assured shall be entitled after two or more full annual premiums have been paid: *Provided, however,* That the provisions of this section shall not be binding on any such company, unless application for a paid up policy, as herein provided, shall be made at the office of such company within ninety days after the annual premium becomes due and unpaid, and that all policies shall be indisputable after five annual payments.

Sec. 13. Every Life Insurance Company doing business in this State shall annually, on or before the first day of February, file with the Auditor of State a full and complete statement covering the matters following, which statement shall be sworn to by its President, or Vice President, or Actuary, and Secretary, viz :

1. Name of the company;
2. When chartered or organized;
3. For what period;
4. Where located;
5. State in full the assets of the company;
6. Number of shares owned in each bank; state par value and market value per share;
7. Number of shares owned in each railroad, stating the corporate name of each, and amount invested in each at cost on books; state par value and market value per share;
8. Amount owned in railroad bonds; state par value and market value per share;
9. Amount invested in real estate at cost on the books of the company;
10. Amount loaned on mortgages of real estate;
11. Amount loaned on notes secured by collaterals of personal property, with description and value of collaterals;
12. Amount loaned on notes without collaterals;
13. State in full all other investments;
14. How much included in the foregoing statement of assets consists of premium notes on policies not returned as now in force;
- 15-17. Amount of losses ascertained

and unpaid; 18. Amount of losses claimed against the company, whether acknowledged as due or not by the company; 19. Amount due from the company on its declared promise or acknowledged indebtedness or other claims, including dividends, bonuses on distribution of surplus, or as profits; 20. Amounts received for premiums the past year; 21. Amount received for premiums in cash; 22. Amount received for premiums in premium or promissory notes, or securities; 23. Amount received for interest the past year; 24. Amount paid for interest the past year; 25. Amount of guarantee funds, and state particularly whether the same are in cash or subscription notes; 26. How are dividends, distributions of surplus funds, bonuses or estimated profits paid, whether in cash scrip, or otherwise on credit, and whether on demand, or if on credit, what length of time, and whether payable at a specified time, or indefinitely, at the discretion of the company; 27. Amount paid for expenses, taxes, salaries and commissions the past year.

Sec. 14. Any company doing business in this State, neglecting to make returns in the manner and within the time hereinbefore authorized and prescribed, shall forfeit to the State one hundred dollars for each day's neglect, and every company that wilfully makes false statements shall be liable to a fine of not less than five hundred dollars, nor more than one thousand dollars.

Sec. 15. When the actual funds of any Life Insurance Company doing business in this State are not of the net cash value equal to its liabilities, counting as such the net value of its policies according to the rate of mortality established by the "American Experience Tables," with interest at four and a half per cent. per annum, it shall be the duty of the Auditor of State to give notice to such company and its agents to discontinue issuing new policies within the State, until such time as its funds have become equal to its liabilities, valuing its policies as aforesaid. Any officer or agent, who, after several notices has been given, issues a new policy from and on behalf of such company, before its funds have become equal to its liabilities as aforesaid, shall forfeit for each offense five hundred dollars to the State.

Sec. 16. Whoever solicits insurance on behalf of any insurance company, whether chartered or organized in this State or elsewhere, or transmits for any person other than himself, an application for

insurance, or a policy of insurance, to or from said company, or advertises that he will receive or transmit the same, shall be held to be an agent of such company to all intents and purposes, and within the meaning of the foregoing section, unless it can be shown that he receives no commission or other compensation or consideration for such services from said company.

Sec. 17. Any agent making insurance in violation of any law of this State regulating insurance companies, shall forfeit for each offense a sum not exceeding one thousand dollars.

Sec. 18. When by the laws of any other State, any taxes, fines, penalties, deposits of money or of securities, or other obligations or prohibitions, are imposed upon Life Insurance Companies incorporated or organized under the laws of cities of this State, and transacting business in such other State, or upon the agent of such insurance companies, so long as such laws continue in force, the same taxes, fines, penalties, deposits and obligations, shall be imposed upon all insurance companies doing business in this State, which are incorporated or organized under the laws of such other State, and upon their request, the fines and penalties in this act declared, may be collected by complaint in the name of the State against the offending party, and it is hereby declared to be the duty of the several prosecuting attorneys of this State to enforce all penalties and fines by suit, for which services ten per cent. of the amount collected shall be allowed, and the remainder shall become a part of the common school fund of this State.

Sec. 20. All laws and parts of laws conflicting with this act are hereby repealed.

Sec. 21. That an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage, and when so amended, they recommend its passage.

Which was laid on the table.

SPECIAL ORDER FOR THE DAY.

The hour of 10 o'clock having arrived, the same being the hour for the consideration of the contested election case of Beatty vs. Peelle, the same was taken up.

The question being, shall the amendment submitted by the minority of the Committee on Elections be concurred in?

Pending which, Mr. Pierce of Vigo, moved that the House do now adjourn.

Which was agreed to.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Pending the adjournment was the consideration of the contested election case between Beatty *vs.* Peelle.

The question being on the adoption of the amendment submitted by the minority of the committee.

Mr. Osborn moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put.

Which was so ordered.

The question being on concurring in the resolution of the minority of the committee.

Messrs. Coffroth and Shoaff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—43.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beeler, Bobo, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—51.

So the report was not concurred in.

The question being on concurring in the report of the majority of the committee.

Mr. Coffroth called for a division of the question.

Which was so ordered.

The question on concurring in that portion of the report that admits Mr. Beatty to his seat.

Messrs. Coffroth and Shoaff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Ditte-

more, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—43.

So the report was concurred in.

The question being on that portion of the report declaring the seat held by Mr. Peelle vacant,

Messrs. Vater and Monroe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Breekinridge, Buskirk, Carnahan, Cave, Calvert, Chapman, Chittenden, Cotton, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Long, Mason, Millekan, Miller, Mitchell, Monroe, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zollars and Mr. Speaker—65.

Mr. Cave, explaining his vote, said he believed Mr. Peelle constitutionally ineligible, and therefore voted "Aye" without wishing to be understood as favoring the seating of Mr. Beatty in his place, who he believed had no right whatever to the seat.

Mr. Carnahan, in explaining his vote, said, "I vote 'Aye' for unseating Mr. Peelle, but I believe it would be violating the principles of a republican form of government for this House to give the seat to Mr. Beatty, when he had been repudiated by a majority of the legal voters of his representative district."

Mr. Tebbs in explaining his vote said: "I believe that Mr. Peelle is constitutionally ineligible to a seat in this House and therefore vote 'Aye.' But in reference to Mr. Beatty's being entitled to the seat, I vote 'No.'"

In explaining his vote, Mr. Hutchings said: "I vote 'Aye' in regard to the ineligibility of Mr. Peelle to his seat, but do not believe Mr. Beatty is entitled to it."

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Cory, Cox, Dittemore, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Mock, Montgomery, Palmer, Shoemaker, Sunman, Wile, Williams of Knox and Zenor—23.

Mr. Coffroth being in his seat, his name was called, and declined to vote on the question.

Mr. McDonald, explaining his vote, said: "He conscientiously believed Mr. Peelle constitutionally ineligible; but also believing Mr. Beatty had no right whatever to the seat, of 'two evils he took the least,' and voted 'No.'"

So the report was concurred in, and the resolution admitting Samuel Beatty to a seat in this House was adopted.

When Samuel Beatty came forward, and was sworn in by the Speaker, and took a seat on the floor of the House.

Mr. Jump obtained leave of absence until Tuesday morning next.

Mr. Skidmore obtained leave of absence until Wednesday next.

Mr. Neff obtained leave of absence for next week.

Mr. Field of Lake obtained leave of absence for this afternoon.

Mr. Long asked and obtained leave of absence indefinitely.

On motion by Mr. McFadin, the House adjourned.

FRIDAY MORNING, 9 o'clock, }
February 5, 1869. }

The House met.

Mr. McFadin moved that the reading of the journal be dispensed with, except that portion referring to the contested election case of *Beaty vs. Peelle*.

It was agreed to.

Which portion was read, corrected and approved.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have compared engrossed House bills Nos. 68 and 71 with the original, and find them correctly engrossed.

Mr. Sabin asked and obtained leave of absence until Tuesday.

Mr. McGregor asked and obtained leave of absence until Wednesday next.

Mr. Miles asked and obtained leave of absence until Tuesday next.

HOUSE BILLS ON SECOND READING.

Mr. Hamilton moved that the rules be suspended, so that the Special Committee on State Printing be allowed to report.

It was agreed to.

Mr. Hamilton, from the Special Committee on the Printing Investigations, made the following report:

MR. SPEAKER:

The special committee appointed to investigate and audit the accounts of the State Printer have had the same under consideration, and beg leave to submit the following report:

The committee have had the accounts of the State Printer and all the papers relating thereon, and have given the same a careful examination, and each charge thereof made by the State Printer against the State has been examined separate and apart by competent witnesses from both political parties, and from different printing offices, and their statements reduced to writing, and we ask that the same be made a part of this report.

STATE OF INDIANA, }
MARION COUNTY, } SS:

Personally appeared before me Wm. M. French, Notary Public in and for the county of Marion, A. C. Grooms, John G. Doughty, E. J. Metzgar, Chas. E. Brigham, E. L. Hastings, James G. Douglass, Julius Bötticher, Theodore F. Wright, Wm. S. Cameron, and on their oaths testify as per annexed statements.

In testimony whereof I hereunto set my hand and affixed my notorial seal, this 27th day of January, 1869.

WM. M. FRENCH,
Notary Public.

[SEAL.]

A. C. Grooms, being duly sworn, deposeth and sayeth :

Question. Where do you live ?

Answer. In the city of Indianapolis.

Ques. Whose employ are you in ?

Ans. Douglass & Conner.

Ques. Are you an employee ?

Ans. Yes.

Ques. How do you keep the paper account against the State ?

Ans. The paper account is kept separate from all other accounts, and is used as it is needed for State jobs only.

Ques. Was any of it ever used for any other purpose than for State work ?

Ans. No, none has been used for any other purpose than for State work.

Ques. Are you the book keeper of the Journal office?

Ans. Yes.

Ques. What is the price of such paper as you used in the Senate and House Journals in the year 1867?

Ans. Ten dollars to twelve dollars per ream.

Signed,

A. C. GROOMS.

INDIANAPOLIS, IND., January 26, 1869.

John G. Doughty, being duly sworn, deposeth and sayeth:

Question. Where do you live?

Answer. Indianapolis.

Ques. What is your occupation?

Ans. Printer.

Ques. In whose employ are you?

Ans. I am working in my own office.

Ques. Are you in any way connected with the Journal office?

Ans. I am not.

Ques. In measuring matter, can it be stretched?

Ans. It can be, but the work done by the State Printer is fairly measured, so far as I have examined it.

Ques. Have you bought any paper such as is used in the Senate and House Journals?

Ans. I have.

Ques. What price did you pay in 1868?

Ans. Twelve dollars and fifty cents per ream.

[SEAL.]

Signed,

JOHN G. DOUGHTY.

INDIANAPOLIS, IND., January 26, 1869.

E. J. Metzgar, being duly sworn, deposeth and sayeth :

Question. Where is your residence ?

Answer. Indianapolis, Indiana.

Ques. What is your occupation ?

Ans. Printer.

Ques. In whose employ are you ?

Ans. I am in the office of the Daily Telegraph.

Ques. Are you in any way connected with the Journal Office ?

Ans. No.

Ques. Did you ever do any State printing ?

Ans. I printed the laws of 1865 and 1867 in German.

Ques. Have you measured the work done by the State Printer for the years 1867 and 1868 ?

Ans. I measured the House and Senate Journals of 1867, and the laws of the same year.

Ques. State whether the prices charged by the State Printer are in accordance with the laws governing the State Printing.

Ans. They are.

Ques. Did the State Printer make a profit on the work you done for the State ?

Ans. I received the full amount charged by the State Printer to the State.

INDIANAPOLIS, INDIANA, January 26, 1869.

[SEAL.]

Signed

E. J. METZGAR.

Charles E. Brigham, being duly sworn, deposeth and sayeth :

Question. Where do you reside ?

Answer. Indianapolis, Indiana.

Ques. In whose employ are you?

Ans. W. & J. Braden.

Ques. Are you in any way connected with the Journal Office?

Ans. No way.

Ques. Have you examined the work, and measured the printing done for the State by the State Printer?

Ans. I have measured the Senate Journal.

Ques. Do you find the charge made for that work in accordance with the law governing the same?

Ans. The aggregate differed \$27 80 in favor of the State.

Ques. What do you know of the price of paper during the years 1867 and 1868?

Ans. Eleven dollars and twenty-five cents per ream for forty-five pound paper.

INDIANAPOLIS, INDIANA, January 26, 1869.

CHARLES E. BRIGHAM.

Edwin L. Hastings, being duly sworn, deposeth and sayeth:

Question. Where do you reside?

Answer. Indianapolis, Indiana.

Ques. In whose employ are you?

Ans. Douglass & Conner.

Ques. Have you examined the accounts and measured the work of the State Printer?

Ans. Yes, sir.

Ques. State whether the prices charged by the State Printer are in accordance with the law governing the same.

Ans. They are.

Ques. Did you ever use the State paper for any other purpose than for State jobs.

Ans. I never did use, or cause it to be used for any other purpose.

Ques. Are you connected with the State Printer in any way except as an employee?

Ans. I am not.

Ques. Have you stretched the work in any State job, or ordered it done, any more than is usual to do?

Ans. I did not.

INDIANAPOLIS, INDIANA, January 26, 1869.

EDWIN L. HASTINGS.

Charles E. Brigham, recalled.

Question. Have you examined the House and Senate Journals for 1867?

Ans. I have.

Ques. Do you consider the work done in a workmanlike manner, or has it been stretched beyond a reasonable length?

Ans. I consider the work done in a workmanlike manner, and not stretched beyond a reasonable length.

INDIANAPOLIS, INDIANA, January 26, 1869.

CHARLES E. BRIGHAM.

E. J. Metzgar, I certify that the above statement is correct.

E. J. METZGAR.

James G. Douglass, being duly sworn, deposeth and sayeth:

Question. Where do you reside?

Answer. Indianapolis, Indiana.

Ques. Did you ever do any work for the State?

Ans. Yes.

H. J.—26

Ques. For whom did you do State Printing?

Ans. I have not done any State Printing, but have done other work for the State Printers.

Ques. What has been the custom in regard to keeping the account with the State Printer, in relation to paper and use thereof?

Ans. It has been kept separate and apart from other paper.

Ques. Has the present State Printer used the State paper for any other jobs other than for State work?

Ans. He has not used one single sheet.

Ques. Are you connected with the State Printer in an official capacity?

Ans. I am not.

Ques. Have you any interest, directly or indirectly, in the profits of the State Printer?

Ans. I have in the execution of the work.

Ques. Did you purchase the paper for the use of the State?

Ans. I did.

Ques. Has it been the custom of the State Printer to charge the State with paper purchased, and then do the State Printing upon said paper for all successive jobs until the amount was exhausted, before making an additional charge and purchase of paper?

Ans. Yes.

Ques. Is the paper charged on every job?

Ans. No; it is only charged as purchased.

Ques. What was the cost of paper per ream, during the years 1867 and 1868?

Ans. It cost from ten dollars and ten cents, to ten dollars and fifteen cents per ream.

INDIANAPOLIS, INDIANA, January 26, 1869.

[SEAL.]

J. G. DOUGLAS.

Julius Bætticher being duly sworn, deposeth and sayeth :

Ques. Where is your residence ?

Ans. Indianapolis, Indiana.

Ques. What is your occupation ?

Ans. Printer, and am the proprietor of the *Indiana Volksblatt*.

Ques. Did you ever do any State printing.

Ans. In 1852, I printed the Revised Statutes, in German.

Ques. Did you ever do any translating for the State ?

Ans. I have.

Ques. Is there any established price for translating ?

Ans. None. Not now ; but there was in 1852. At that time the price was twenty-five cents per thousand ems, which was too low.

Ques. What would you consider a fair compensation for translating now, or two years ago ?

Ans. Fifty cents per thousand ems.

Ques. How many ems are there on each page in the Senate Journal, printed in German ?

Ans. About two thousand.

Ques. Could a competent German translator have been employed to do the translating for the State in 1867, or now, at fifty cents per thousand ems, and make a fair profit.

Ans. I think he could.

INDIANAPOLIS, INDIANA, January 27, 1869.

Signed,

JULIUS BÆTTICHER..

Theodore F. Wright being duly sworn, deposeth and sayeth :

Ques. Where do you reside ?

Ans. Indianapolis, Indiana.

Ques. What is your occupation?

Ans. Printer.

Ques. By whom are you employed?

Ans. I am one of the proprietors of the Ben Franklin Printing Office.

Ques. Have you ever done any State printing?

Ans. Not as a contractor.

Ques. Have you examined the accounts and measured the work of the State Printer?

Ans. I have measured the Senate Journal for 1867.

Ques. Did you find the charges to correspond with the law regulating State printing?

Ans. Yes.

Ques. Do you find any errors in the measurement of the work?

Ans. I do.

Ques. In what particular?

Ans. They charge for four hundred and fifty thousand ems more than I have been able to find.

Ques. What would the over-charge amount to?

Ans. Two hundred and fifty dollars.

Ques. Do all printers measure alike.

Ans. They do, except there may be a difference in the size of the em, which difference cannot amount to more than twenty ems per page.

Ques. Do you know anything of the price and quality of the paper used in the Senate Journal?

Ans. The paper weighs about forty pounds per ream, and worth fifteen cents per pound, making six dollars per ream.

INDIANAPOLIS, INDIANA, January 27, 1869.

Signed,

T. F. WRIGHT.

William S. Cameron, being duly sworn, deposeth and sayeth :

Question Where do you live ?

Answer. Indianapolis, Indiana.

Ques. What is your occupation ?

Ans. Printer.

Ques. By whom are you employed ?

Ans. I am doing business for myself.

Ques. Are you in any way connected with the State printing ?

Ans. No, I am not.

Ques. Have you ever done any State printing ?

Ans. I have done press work for Mr. Defrees when he was State printer. When Austin Brown was State printer, he (Brown) farmed it out to Doughty & Swain, and Doughty & Swain employed Cameron & McNeely to do the work.

Ques. Do you consider the work on the Senate Journal immeasurably " stretched ?"

Ans. I do not so consider it. It might have been extended further without doing violence to the work.

Ques. What is the weight per ream of the paper used in printing the Senate Journal of 1867 ?

Ans. I think it would weigh about from forty-two to fifty pounds per ream.

Ques. What was the price of paper, such as used in the Senate Journal of 1867 ?

Ans. About eighteen cents per pound.

[L. s.]

Signed,
WM. S. CAMERON.

INDIANAPOLIS, IND., January 27, 1867.

Charles P. Hutchinson was introduced and testified as follows, to-wit:

FEBRUARY 1, 1868.

Question. What is your occupation?

Answer. I am a printer, and the Superintendent of the Sentinel office.

Ques. Have you examined the paper used in the Senate Journal of the year 1867?

Ans. I have.

Ques. How much will it weigh per ream?

Ans. About forty-five pounds per ream.

Ques. Do you know the cost of that paper during the year 1867?

Ans. The paper used in the Senate Journal of 1867 is the kind of book paper used in printing public documents. My judgment is, it will weigh 45 pounds to the ream. Book paper, at that time, was worth from 22 to 25 cents per pound. Paper of the same weight might have been bought, in special quantities, at 20 cents per pound.

Ques. Is the Senate Journal *stretched* more than is usual to print such documents?

Ans. I think it is not.

Signed,

C. P. HUTCHINSON.

Chas. Beyschlag was introduced and testified as follows to-wit:

Question. What is your occupation?

Answer. I am the Editor of the Daily Telegraph, a German paper.

Ques. Do you understand translating the English language into the German?

Ans. I do.

Ques. What was it worth per page to translate the acts of 1867?

Ans. It was worth two dollars and fifty cents per page, not including the index.

Ques. What was the indexing worth?

Ans. Five dollars and thirty-five cents per page.

Ques. Is it more difficult to translate laws than any other matter?

Ans. It is much more so.

C. J. BEYSCHLAG.

STATE OF INDIANA, }
Marion County, } S. S.

Sworn and subscribed to before me, Wm. M. French, Notary Public in and for said county, this first day of February, 1869.

WM. M. FRENCH,

[L. S.]

Notary Public.

It appears, from the testimony before us, that the charges have been in accordance with the law governing State printing.

After a careful examination of all the testimony produced, we arrive at the conclusion aforesaid.

Signed by the Committee,

E. A. HAMILTON, Chairman.

Mr. Pierce, of Wigo, moved that the report be referred to a special committee of five.

Mr. Wildman moved to lay the motion on the table.

Which was agreed to.

The question recurring on the adoption of the report of the committee,

Mr. Johnson, of Marshal, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Mr. McBride asked and obtained leave of absence on account of sickness of family.

The question being on concurring in the report of the committee,

It was agreed to.

Mr. Overmyer moved that when the House adjourn to-day, it stand adjourned until Monday at 2½ o'clock.

Which was agreed to.

Mr. Smith asked and obtained leave of absence for Mr. Dunn till Monday at 2 o'clock.

Mr. Shoemaker moved to suspend the order of business and take up Senate message containing House bills Nos 144 and 145.

Which was agreed to.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill 144, entitled "A bill to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor.

Also Senate bill No. 145. Entitled a bill to prevent the introduction and spread of a cattle disease, commonly known as "Texas or Spanish fever," by the importation and introduction of cattle into the State of Indiana, infected with, or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle, in which the concurrence of the House is respectfully requested.

Engrossed Senate bill No. 144. A bill to prevent the introduction and spread in this State, of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this

State, or the purchasing of the same at certain seasons of the year a misdemeanor, and prescribing the penalty therefor.

Which was read a first time.

Mr. Cory moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that this bill be read a second and third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were

Messrs. Addison, Admire, Baker, Barnett, Barrett, Bates, Beeler, Beatty, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Park, Johnson of St. Joseph, Kercheval, Lawler, Lamborn, Logan, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Onio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Williams, of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson and Zenor—86.

No member voting in the negative.

So it was demanded expedient to suspend the constitutional rule, and the bill was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barrett, Bates, Beeler, Beatty, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene

Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Summan, Taper, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—93.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 145. An act to prevent the introduction and spread of a cattle disease commonly known as "Texas or Spanish Fever," by the importation and introduction of cattle into the State of Indiana, infected with, or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owner of such cattle.

Which was read a first time.

Mr. McFadin moved that it be deemed expedient to suspend the Constitutional rule, requiring bills to be read on three several days, and that the bill be read a second and third time now.

The ayes and noes being taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett Barritt, Bates, Beeler, Bowen, Britton, Beatty, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas,

Gilham, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—76.

No member voting in the negative.

So it was deemed expedient to suspend the Constitutional rule, and the bill was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beeler, Beatty, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis, Dittmore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams, of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—85.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Williams of St. Joseph, asked and obtained leave of absence until next Wednesday.

Mr. Buskirk moved to suspend the regular order of business, and take up the following Senate message, and the accompanying bill.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate Bill No. 178, entitled "An act to amend section one of an act fixing the time of holding Circuit Courts in the several counties of this State," approved June 18, 1852, in which the concurrence of the House is respectfully requested.

Which was agreed to.

Senate bill No. 178 was then read a first time.

Mr. Buskirk moved that it be deemed expedient to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be read a second time by its title, and a third time by sections, now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Beeler, Beatty, Bowen, Britton, Breekinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kerchival, Lawler, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sheaff, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—80.

No member voting in the negative.

So it was deemed expedient to suspend the Constitutional Rule, and Senate bill No. 178 was read a second time by its title.

Mr. Wilson moved to amend as follows:

In the 1st section, strike out all after the word "Ohio," in the twenty-fifth line, and insert "Jennings and Switzerland two weeks, in the counties of Ripley and Bartholomew three weeks, in the county of Jefferson four weeks, and in the county of Brown one week."

Which was agreed to.

Engrossed Senate bill No. 178, an act to amend section 1 of an act fixing the time of holding Circuit Courts in the several counties of this State, approved June 18, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Kerchival, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmeyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—86.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Vater moved to suspend the order of business and take up engrossed House bill No. 150. A bill appropriating \$12,000 for furnishing ward and subsisting patients in the north wing of the Indiana Hospital of the Insane until the 31st day of March 1869, and declaring an emergency.

Mr. Osborn moved to refer the bill to the Committee on Ways and Means with instructions to inquire into the necessity of the appropriation.

Which was agreed to.

On motion of Mr. Stewart of Rush, the House resolved itself into a Committee of the Whole, and went into the consideration of the Governor's message.

Mr. Stewart of Rush, in the Chair.

After remaining in session some ten minutes, the Committee arose and made the following report:

MR. SPEAKER:

The Committee of the Whole House, to which was referred the Governor's message, have had the same under consideration, and after referring the several topics treated of, to the appropriate committees, and have instructed me to report the same to the House, and ask to be discharged from further consideration thereof.

Which was concurred in, and the message referred to the appropriate committees.

Mr. Palmer, asked and obtained leave of absence for this afternoon.

Mr. Coffroth, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 62, entitled, "A bill to provide for the Teaching of the German Language in the Common Schools," have had the same under consideration, and beg leave to report back the same, with the following amendment:

Strike out all after the enacting clause, and insert the following :

That section 147 of an act entitled, "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1855, be amended to read as follows :

The Common Schools of the State shall be taught in the English language, and the Trustee shall provide to have taught in them orthography, reading, writing, arithmetic, geography, English grammar and good behavior, and such other branches of learning, and other languages, as the advancement of pupils may require, and the Trustee from time to time direct, and that whenever the parents or guardians of twenty-five or more children in attendance at any school of a township, town or city shall so demand, it shall be the duty of the School Trustee, or Trustees of said township, town or city to procure efficient teachers, and introduce the German language as a branch of study into such schools, and the tuition in said schools shall be without charge. And that when the bill is so amended, they recommend its passage.

Which was laid on the table.

Mr. Higbee, from the Committee on County and Township Business, made the following report :

MR. SPEAKER:

I am instructed by the Committee on County and Township Business, to whom was referred House bill No. 140, entitled, "A bill requiring Township Trustees to examine the dockets of Justices of the Peace, as to their delinquency in paying over fees to the proper officers," report, that they have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Monroe moved to suspend the order of business, for the purpose of introducing bills.

Which was agreed to.

Mr. Cory introduced

House bill No. 172. An act creating, establishing and locating, and providing for the maintenance of the Indiana College of Agriculture and the Mechanics' Art, providing a Board of Trustees therefor, and declaring an emergency.

Which was read a first time.

Mr. Cory moved that the bill and all on that subject be referred to a special committee from each Congressional district.

Which was agreed to.

Mr. Coffroth moved to make House bill No. 62 the special order for Monday at 2 o'clock.

Which was agreed to.

Mr. Davis introduced

House bill No. 173. A bill to amend sections 4 and 6 of an act entitled "An act prescribing the powers and duties of Coroners," approved May 27, 1867.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Monroe introduced

House bill No. 174. A bill to provide for the improvement of the streets of unincorporated towns and villages.

Which was read a first time, and referred to the Committee on Cities and Towns.

Mr. McDonald introduced

House bill No. 175. An act to provide for special terms of the courts of this State, to settle issues and preliminary and interlocutory motions and orders in actions pending therein, and to prepare for the trial of said actions, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Pierce, of Vigo, offered the following resolution:

Resolved, That the Hon. J. C. Shoemaker, of Perry county, be added to the Committee on Elections.

Which was concurred in.

Mr. Zollars moved to suspend the order of business, and take up a resolution heretofore offered by him, and amended by the House, in reference to a change in the rules of this House.

Resolved, That when resolutions and bills shall be in order the roll shall be called, and each member, as his name shall be called, shall have the privilege of introducing one resolution or one bill, and if, on any day, the roll shall not have been called through, the Clerk, on the following day, shall begin where he left off, and complete the roll.

Which was agreed to.

Mr. Overmyer moved to amend by allowing the introduction of one resolution and two bills on each day, and no more.

Mr. Wilson moved to lay the whole subject on the table.

Mr. Davidson moved a division of the question.

Which was ordered.

The question being on laying the amendment offered by Mr. Overmyer on the table.

It was agreed to.

The question then being on laying the resolution on the table.

It was not agreed to.

The question then recurring on the adoption of the resolution changing the rules of the House.

It was agreed to.

Mr. Buskirk moved to suspend the order of business, and take up the following Senate message and concurrent resolution.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed concurrent resolution providing for joint convention at 2:30 P. M. this day for the election of a State Printer and other officers, in which the House is respectfully requested to concur.

H. J.—27

Resolved, That, the House concurring, the Senate will to-day go into a joint convention at 2:30 P. M. to elect a State Printer and other officers.

Mr. Williams, of Knox, moved to amend by striking out "State Printer."

Mr. Buskirk moved to lay the amendment on the table.

Messrs. Williams of Knox and Wile demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Beatty, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of LAGRANGE, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lam-born, Mason, Miller, Mitchell, Monroe, Osborn, Overmeyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittimore, Hutchings, Hyatt, Johnson of Montgomery, Logan, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Palmer, Shoemaker, Tebbs, Vater, Wile, Williams of Knox, Zenor and Zollars—34.

So the amendment was laid on the table.

Mr. Wildman moved the previous question,
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The question being on concurring in the Senate concurrent resolution.

It was agreed to.

Mr. McFadin moved that the House adjourn until half past two o'clock this afternoon.

Which was not agreed to.

Mr. Johnson, of Marshall, moved that the House do now adjourn.

Which was agreed to.

FRIDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Overmyer moved that when the House adjourns it shall be until Monday next at two o'clock.

Which was agreed to.

Mr. Ratliff moved that House bill No. 113 be made the special order for next Thursday at two o'clock.

Which was agreed to.

Mr. Vardeman asked and obtained leave of absence until Tuesday.

Mr. Calvert asked and obtained leave of absence until Wednesday next.

Mr. Lamborn moved that the vote, by which the House agreed to go into the election of State Printer, and other State officers, at 2 30 this afternoon, be reconsidered.

Mr. Ruddell moved to lay the motion on the table.

Messrs. Cory and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Montgomery, Kercheval, Mason, Millekan, Miller, Mitchell,

Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of St. Joseph, Lamborn, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbs, Vater, Wile, Williams of Knox, Zenor and Zollars—40.

So the motion to lay on the table prevailed.

Message from the Governor, by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 5, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith his Message, accompanied by a copy of the record of the Board of Commissioners of Monroe county, in regard to the location of the Agricultural College.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 5, 1869. }

Gentlemen of the Senate and House of Representatives.

I herewith respectfully communicate to the General Assembly, an authenticated copy of the record of the Board of Commissioners of Monroe county proposing to issue the Bonds of said County, to the amount of \$50,000, upon condition that the Agricultural College shall be located in said County, and recommend that this proposition receive due consideration before the question of the location of the Institution shall be decided.

CONRAD BAKER.

STATE OF INDIANA, }
MONROE COUNTY. }

WHEREAS, at a called meeting of the Board of Commissioners of said County, held at the Court House, in the town of Bloomington, on Tuesday, the second day of February, 1869, for the purpose of considering the propriety of appropriating a sum of money for the location of the State Agricultural College, in said County, and the transaction of other business of public interest.

Present: James Small, Thomas M. Rader and Samuel H. Phillips, Commissioners composing said Board. James Small, President.

In the matter of the appropriation to the Indiana Agricultural College.

Now at this time it is Ordered, that, upon condition that the present General Assembly shall locate the said College in this (Monroe) county, that the Bonds of the County shall be issued to the Trustees of said College for the sum of (\$50,000,) fifty thousand dollars, payable to the Trustees of said College for the use and benefit thereof, in such sums as shall hereafter be determined, payable after (3) three and within twelve (12) years from the day at which said College shall be located as aforesaid, bearing (6) six per cent. interest per annum, from the date of said location, payable semi-annually, in the City of New York, in the lawful money of the United States.

And it is further Ordered, by the Board, that the Auditor make out a certified copy of the foregoing order, under his hand and the seal of this Court, and forward the same to His Excellency, Conrad Baker, with the request that he lay the same before the present Legislature of the State.

STATE OF INDIANA, MONROE COUNTY.

I, Henry F. Perry, Auditor of said County, hereby certify that the above is a true and complete copy of the record.

In witness whereof, I hereunto affix my hand and the seal of the Board of Commissioners this fourth day of February, 1869.

[L. s.]

HENRY F. PERRY,
Auditor, Monroe County.

Mr. Pierce, of Vigo, from the Committee on Elections, made the following report :

MR. SPEAKER :

The Committee on Elections having had the matter of changing the time of electing Constables and extending their terms of office, and also changing the time of electing Township Trustees and extending their terms of office, ask leave to report two bills in relation to said subjects, and ask that the same be read for information.

Which was laid on the table.

On motion, by Mr. Wildman, a call of the House was ordered.

Those who answered to their names were,

Messrs. Addison, Admire, Baker Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittimore, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Jump, Kerchival, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, O'Dell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker.

On motion, the further call was dispensed with.

SPECIAL ORDER FOR THE DAY.

The hour of 2:30 having arrived, being the the time fixed by the two Houses for the election of State Printer and other officers, the members of the Senate came into the Hall of the House of Representatives, and were seated on the right of the Speaker.

Hon. Will Cumback, Lieutenant-Governor and President of the Senate, took the chair, and called the Joint Session to order.

Mr. McFadin moved that the Joint Convention now proceed to the election of State Printer, by a *viva voce* vote.

Which was agreed to.

Senator Gray put in nomination A. H. Conner, for that office.

Mr. Welborn put in nomination R. J. Bright, for that office.

There being no further nominations, the Secretary proceeded to call the roll.

On the part of the Senate, those who voted for Mr. Conner were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—26.

On the part of the House, those who voted for Mr. Conner were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—50.

On the part of the Senate, those who voted for Mr. Bright were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Sherrod, Smith, Taggart and Turner—15.

On the part of the House, those who voted for Mr. Bright were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—39.

Whole number of votes received by Mr. Conner on the part of the House.....	50
On the part of the Senate.....	26
Total vote for Conner.....	76

Whole number of votes received by Mr. Bright on the part of the House.....	39
On the part of the Senate.....	15
Total vote for Mr. Bright	54

Whole number of votes cast, one hundred and thirty; necessary to a choice, sixty-six.

Mr. A. H. Conner, having received a majority of all the votes cast, the President of the Senate declared him duly elected for the office of State Printer.

Mr. Ratliff moved that the House proceed to the election of a State Agent.

Which was agreed to.

Senator Fisher put in nomination, Walter Q. Gresham, for that office.

Senator Denbo put in nomination, Lewis Jordan, for that office.

On the part of the Senate, those who voted for W. Q. Gresham were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Greene, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

On the part of the House, those who voted for W. Q. Gresham were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—50.

On the part of the Senate, those who voted for Mr. Jordan were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Sherrod, Smith, Taggart and Turner—15.

On the part of the House, those who voted for Mr. Jordan were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—39.

Whole number of votes cast for Mr. Gresham on the part of the House	50
On the part of the Senate.....	26
Total vote for Gresham.....	76

Whole number of votes cast for Mr. Jordan on the part of the House	39
On the part of the Senate	15
Total vote for Jordan.....	54

Whole number of votes cast, one hundred and thirty; necessary to a choice, sixty-six.

Gen. W. Q. Gresham having received a majority of all the votes cast, the President of the Senate declared him duly elected for that office, for the term of two years.

Mr. Vater moved that the House proceed to the election of State Librarian.

It was agreed to.

Senator Johnson put in nomination M. G. McLain for that office.

Mr. Shoemaker put in nomination Gustave Goffstyner for that office.

On the part of the Senate, those who voted for M. G. McLain were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—25.

On the part of the House, those who voted for M. G. McLain were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davis, Davidson, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Higbee, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—47.

On the part of the Senate, those who voted for Gustave Goffstyner were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Smith, Taggart and Turner—14.

On the part of the House, those who voted for Gustave Goffstyner were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—37.

Whole number of votes cast for Mr. McLain, on the part of the House	47
On the part of the Senate	25
Total	<hr/> 72

Whole number of votes cast for Mr. Goffstyner on the part of the House	37
On the part of the Senate	14
Total	<hr/> 51

Whole number of votes cast, one hundred and twenty-three; necessary to a choice, sixty-two.

Mr. McLain having received a majority of all the votes cast, the President declared him duly elected for the office of Librarian for two years from April 1, 1869.

Mr. Buskirk moved that the House now proceed to the election of the Directors of the Northern State Prison.

Which was agreed to.

Mr. Buskirk, put in nomination I. N. Hart, A. D. Hamrick, and Willis Blanch.

Mr. Welborn put in nomination John W. Davis, Jesse Niblack, and H. H. Walker, for that office.

On the part of the Senate, those who voted for Messrs. Blanch, Hart, and Hamrick, were,

Messrs. Andrews, Armstrong, Beardsly, Caven, Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess,

Hooper, Houghton, Hughes, Jacquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—25.

On the part of the House, those who voted for Messrs. Hart, Blanch, and Hamrick, were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams, of Union, Wilson and Mr. Speaker—45.

On the part of the House, those who voted for Messrs. Davis, Niblack, and Walker, were,

Messrs. Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Suttman, Tebbs, Welborn, Wile, Williams of Knox, Zenor, and Zollars—37.

On the part of the Senate, those who voted for Messrs. Davis, Niblack, and Walker, were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Smith, Taggart and Turner—14.

On the part of the House, Messrs. Hamrick, Blanch,	
and Hart, received.....	45 votes.
On the part of the Senate.....	25 votes.
	—
Total.....	70 votes.

On the part of the House, Messrs. Davis, Niblack, and	
Walker, received.....	37 votes.
On the part of the Senate.	14 votes.
	—
Total.....	51 votes.

Whole number of votes cast, one hundred and twenty-one.

Necessary to choice, sixty-two.

Messrs. I. N. Hart, A. D. Hamrick, and Willis Blanch, having received a majority of all the votes cast, the President declared them duly elected Directors of the Northern State Prison, for the term of two years.

Mr. McFadin moved that the House proceed to the Election of a Director of the Southern Prison.

Which was agreed to.

Mr. McFadin put in nomination Mr. R. Henderson, for that office.

Senator Hadley put in nomination W. W. Curry, for that office.

On the part of the Senate, those who voted for W. W. Curry, were,

Messrs. Andrews, Armstrong, Beardsley, Caven Church, Colley, Cravens, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Houghton, Hughes, Jacquess, Johnson of Spencer, Rice, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—25.

On the part of the House, those who voted for W. W. Curry, were,

Messrs. Baker, Barrett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Ruse, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—46.

On the part of the Senate, those who voted for Mr. William R. Henderson, were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Lasselle, Morgan, Smith, Taggart and Turner—14.

On the part of the House, those who voted for Mr. William R. Henderson, were,

Messrs. Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittimore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, Long, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—36.

On the part of the House, the whole number of votes cast for Mr. Curry.....	46 votes.
On the part of the Senate	25 votes.
	<hr/>
Total for Curry.	71 votes.

On the part of the House, the whole number of votes cast for Mr. Henderson.....	36 votes.
On the part of the Senate.....	14 votes.
	<hr/>
Total for Henderson.....	50 votes.

Whole number of votes cast, one hundred and twenty-one.

Necessary to a choice, sixty-one.

Mr. W. W. Curry having received a majority of all the votes cast, the President declared him duly elected Director of the Southern State Prison, for the term of two years.

Mr. Stewart, of Rush, moved that the House now proceed to the election of a Director of the Soldier's and Seamen's Home.

Which was agreed to.

Mr. Stewart, of Rush, put in nomination H. B. Hill for that office.

Mr. Cory put in nomination A. B. Line for that office.

On the part of the Senate, those who voted for Mr. H. B. Hill were,

Messrs. Andrews, Armstrong, Beardsley, Caven, Church, Colley, Elliott, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper,

Houghton, Hughes, Jaquess, Johnson of Spencer, Rice, Robinson of Decatur, Stein, Wolcott and Wood—23.

On the part of the House those who voted for Mr. H. B. Hill were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Skidmore, Smith, Stepheson, Stewart of Rush, Taber, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—45.

On the part of the Senate, those who voted for Mr. Line were,

Messrs. Bird, Bradley, Denbo, Gifford, Hanna, Henderson, Humphries, Lasselle, Morgan, Smith, Taggart and Turner—12.

On the part of the House, those who voted for Mr. Line were,

Messrs. Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittimore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Long, Logan, McDonald, McFadin, Mock, Montgomery, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—34.

On the part of the House Mr. Hill received.....	45 votes.
On the part of the Senate.....	23 votes.
	—
Total for Hill.....	68 votes.

On the part of the House Mr. Line received.....	34 votes.
On the part of the Senate.....	12 votes.
	—
Total vote for Line.....	46 votes.

Whole number of votes cast, one hundred and twenty-two.

Necessary to a choice, sixty-two.

Henry B. Hill having received a majority of all the votes cast,

the President declared him duly elected for the office of Director of the Soldier's and Seaman's Home.

The business for which the Joint Convention had assembled being completed, the President declared it adjourned *sine die*.

The Speaker called the House to order.

Mr. Pierce, of Porter, offered the following resolution :

Resolved by the House of Representatives (the Senate concurring), That the two houses of the General Assembly of the State of Indiana proceed immediately to elect the President, Commissioners, and Trustees of the Benevolent Institutions, the same in accordance with the provisions of the law governing said election, approved March 5, 1859.

Which was agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Vater moved that 300 copies of the supplemental report of the Trustees of the House of Refuge be printed for the use of the House.

Which was agreed to.

A message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in House resolution for election of officers for the Benevolent Institutions.

On motion by Mr. Stephenson, the House ordered that two hundred copies of House bill No. 78 be printed.

Mr. Pierce, of Porter, moved that the House proceed, by a *viva voce* vote, to the election of a President and three Trustees for the Benevolent Institutions.

Which was agreed to.

Mr. Stewart nominated Dr. P. H. Jameson, of Marion county, as President of said Board.

Mr. Welborn nominated Dr. George B. Walker, of Vanderburgh county, for the same office.

Those who voted for Dr. Jameson were

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Mason, Millekan, Miller, Mitchell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of S. Joseph, Wilson and Mr. Speaker—44.

Those who voted for Dr. Walker were,

Messrs. Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, Miles, Mock, Montgomery, Odell, Shoaff, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—33.

Dr. P. H. Jameson having received a majority of all the votes cast, was declared by the Speaker duly elected President of the Board of Benevolent Institutions on the part of the House of Representatives.

Mr. Stewart, of Rush, nominated Dr. J. H. Woodburn for Trustee of the Hospital for the Insane.

Mr. Zollars nominated Dr. James S. Athon for the same office.

The Clerk proceeded to call the roll.

Those who voted for Mr. J. H. Woodburn were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Tabor, H. J.—28.

Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—44.

Those who voted for Mr. Jas. S. Athon were,

Messrs. Admire, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, Miles, Montgomery, Odell, Shoaff, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—32.

Dr. J. H. Woodburn having received a majority of all the votes cast, was declared duly elected Trustee of the Hospital for the Insane on the part the House.

The House then proceeded to the election of a Trustee for the Asylum for the Blind.

Mr. Overmyer nominated Hon. John Beard.

Mr. Cory nominated R. H. Carlton.

The Clerk proceeded to call the roll with the following result:

Those who voted for John Beard were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millikan, Miller, Mitchell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Tabor, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—44.

Those who voted for R. H. Carlton were,

Messrs. Admire, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, Miles, Montgomery, Odell, Shoaff, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—33.

Hon. John Beard having received a majority of all the votes

cast, was, by the Speaker, declared duly elected Trustee for the Asylum for the Blind, on part of the House.

A message from the Senate, by Mr. Wilson, Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that, in obedience to a concurrent resolution of the House, this 5th day of February, 1869, the Senate proceeded to the election of one President of the Benevolent Institutions; one Commissioner for the Hospital of the Insane; and one Trustee each for the Institution for the Blind, and the Deaf and Dumb Asylum, with the following result:

For President of the Benevolent Institutions,

P. H. Jameson received.....	26 votes.
G. B. Walker received.....	12 votes.

For Commissioner of the Hospital for the Insane,

S. H. Wood received.	25 votes.
James S. Athon received.....	12 votes.

For Trustee for Deaf and Dumb Asylum,

John M. Kitchen received.....	25 votes.
Dr. McClure received.....	12 votes.

For Trustee for Institution for the Blind,

John Beard received.....	26 votes.
John H. Tarleton received.....	12 votes.

Mr. Stewart, of Rush, nominated for the office of Trustee for the Asylum for the Education of the Deaf and Dumb, Dr. John M. Kitchen.

Mr. McDonald nominated for the same office, Dr. David McClure.

The Clerk proceeded to call the roll, with the following result:

Those who voted for J. M. Kitchen were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breekinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field

of Lagrange, Gilham, Gordon, Hall, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—46.

Those who voted for Mr. David McClure were,

Messrs. Admire, Bates, Britton, Calvert, Carnahan, Cave, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, Miles, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zol-lars—34.

Dr. John M. Kitchen, having received a majority of all the votes cast, was by the Speaker declared, on the part of the House, duly elected a Trustee for the Asylum for the Education of the Deaf and Dumb.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Monroe, the House adjourned.

MONDAY, 2 O'CLOCK P. M.

The House met.

Mr. Gordon moved that the reading of the journal be dispensed with.

Which was not agreed to.

Mr. Hyatt obtained leave of absence till to-morrow afternoon.

The journal of yesterday was read and approved.

Mr. Zollars asked and obtained leave of absence for to-day.

Mr. Bowen asked and obtained leave of absence for to-day.

Mr. Hutchings asked and obtained leave of absence till to-morrow.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 62, Mr. Coffroth moved that the same be taken up.

Which was agreed to.

House bill No. 62. A bill to provide for teaching the German language in the common schools.

Which was read a second time, with amendments.

Mr. Coffroth moved that the amendments be adopted.

Mr. Buskirk moved that the bill be recommitted to the committee, with instructions to report a bill providing for the teaching of the German language in our common schools, provided that it be without further expense to the State.

Mr. Coffroth moved the previous question, which was seconded by the House.

Mr. Kercheval moved that the House do now adjourn.

Which was not agreed to.

The question being on the motion to recommit with instructions.

Messrs. Coffroth and Pierce of Vigo demanded the ayes and noes.

Mr. Williams, of Knox, moved to lay the motion to recommit on the table.

Messrs. Osborn and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Beeler, Bobo, Britton, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davis, Dunn, Fuller, Furnas, Gilham, Johnson of

Montgomery, Lawler, Lamborn, McDonald, McFadin, Miller, Montgomery, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Williams of Knox, Zenor, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Baker, Beatty, Breckinridge, Buskirk, Davidson, Fairchild, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Logan, Millekan, Osborn, Ratliff, Stephenson, Stewart of Rush, Vardeman, Wildman, Williams of Hamilton, Williams of Union, and Wilson—27.

So the motion to lay on the table prevailed.

The question recurring on the amendments heretofore reported by the committee.

They were concurred in.

Mr. Williams, of Knox, moved that the House do now adjourn. Which was not agreed to.

Mr. Vater offered the following amendment:

Provided such demand is made before the teacher for said district is employed.

Which was agreed to.

Mr. Osborn moved to amend by striking out "twenty-five" before children, and insert "majority of the voters of the district."

Mr. Coffroth moved to lay the amendment on the table.

Messrs. Osborn and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Robo, Britton, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davis, Dunn, Field of Lagrange, Fuller, Furnas, Gilham, Johnson of Montgomery, Johnson of Parke, Lawler, Lamborn, Logan, Mason, McDonald, McFadin, Miller, Montgomery, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Williams of Knox, and Zenor—49.

Those who voted in the negative were,

Messrs. Baker, Beaty, Beeler, Breckinridge, Buskirk, Davidson, Fairchild, Greene, Hall, Higbee, Higgins, Johnson of St. Joseph, Kerchival, Millekan, Osborn, Ratliff, Stephenson, Stewart of Rush, Vardeman, Wildman, Williams of Hamilton, Williams of Union, Wilson, and Mr. Speaker—24.

So the amendment offered by Mr. Osborn was laid on the table.

House bill No. 62 was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. McFadin, the House adjourned.

TUESDAY MORNING, 9 o'clock, }
February 9, 1869. }

The House met.

The time having arrived for the meeting of the House,

Mr. Underwood moved that Mr. Williams, of Knox, take the chair.

Which was agreed to.

Mr. Barritt asked and obtained leave of absence until next week.

The Clerk proceeded to read the Journal.

Mr. Stewart, of Rush, moved to dispense with the further reading of the Journal.

Which was not agreed to.

The Journal of yesterday was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Vater subitted a petition from sundry citizens of Marion county on the subject of the evils growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Underwood presented a petition from citizens of Fort Wayne asking that the law in regard to the Fort Wayne Summit City and Citizens Building Loan and Savings Association be amended.

Which was referred to the Committee on Corporations.

Mr. Tebbs, from Floyd county, presented a petition from citizens of New Albany, on the evils growing out of a combination of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Wildman presented five petitions, signed by 249 citizens of Howard county, in regard to the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Hall presented a petition from a number of citizens of Warren county, praying for an amendment to the road laws, ditching laws, and other matters.

Which was referred to the Committee on Roads.

Mr. Stephenson presented a petition, signed by sundry citizens of Hamilton county, in regard to the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Baker presented a petition from citizens of Tippecanoe county asking a repeal of the gravel road law.

Which was referred to the Committee on Corporations.

Mr. Gilham presented a petition signed by sundry citizens of Decatur county, on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Bates presented a petition, signed by sundry citizens of Orange county, on the evil growing out of railroad monopolies.

Which was referred to the Special Committee on Railroads.

Mr. Stewart, of Rush, presented a petition from a number of citizens of Rush county, praying for the enactment of a law prohibiting the sale of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Stephenson presented a petition from a number of citizens of Hamilton county, praying for the enactment of a law prohibiting the sale of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Breckinridge presented a petition from citizens of Tippecanoe county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Fairchild presented a petition from citizens of Carroll county, praying for the amendment of the gravel road law.

Which was referred to the Committee on Roads.

Mr. Carnahan presented a claim from Henry Coleman, for cleaning Governor's Mansion in 1865.

Which was referred to the Committee on Claims.

Mr. Carnahan presented a memorial from sundry citizens of Posey county, asking for a change of the Registry Laws of the State.

Which was referred to the Committee on Elections without reading.

Mr. Mitchell presented a petition from sundry citizens of Morgan county, praying for relief from the burdens of excessive freight and passenger tariffs, on account of the consolidation of railroads in this State.

Mr. Mitchell presented a petition from citizens of the State in regard to railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Stewart of Rush presented a petition from the Grand Jurors of DeKalb county, praying for a law to raise the pay of Jurors to two dollars and fifty cents per day.

Which was laid on the table.

Mr. Stewart of Rush presented a petition from citizens of Rush county, asking that each School District in the State be furnished with a copy of Webster's Unabridged Dictionary and a Geographical Globe.

Which was referred to the Committee on Education.

Mr. Wile presented a petition from a number of citizens of LaPorte county on the subject of German schools.

Which was referred to the Committee on Education.

Mr. Vater presented the following petition from the State Temperance Alliance:

To the General Assembly of the State of Indiana :

During the session of the Indiana State Temperance Alliance, held in the city of Indianapolis, February 2d and 3d, 1869, the following resolution was adopted, and directed to be communicated to the General Assembly of the State of Indiana :

Resolved, That we endorse Senate bill No. 36, entitled an act prohibiting the retail of intoxicating liquors to be used as a beverage, and repealing all conflicting laws, and read the first time in the Senate, January 16, 1869, and introduced by the Hon. Isaac Kinley, of Wayne county, believing that the same substantially embodies the sentiments of all the temperance citizens of the State, and we urge upon the Legislature to pass the same, or one not less stringent, at its present session; and if enacted, we candidly believe the moral sentiment of the people will enforce the same, and sustain those who uphold it.

Which was read and referred to the Committee on Temperance.

Mr. Shoemaker presented the claim of T. G. De la Hunt for \$63, for publishing notice of meeting of the Morgan Raid Commissioners.

Which was referred to the Committee on Claims.

Mr. Fairchild presented a petition, signed by sundry citizens of Carroll county, asking for the enactment of such laws as will insure a rigid accountability in the collection and disbursement of all public moneys, and prevent the use of the same for private speculation.

Which was referred to the Committee on Fees and Salaries.

Mr. Shoaff presented two petitions from citizens of Jay county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Wilson presented a petition from John G. Berkshire in regard to the claim of Nicholas Moreback.

Which was read, and referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Gordon from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 148, a bill providing for the payment of costs in certain appeal cases under the act in relation to public and private highways, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Gordon, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 152 entitled "An act to limit the time for commencing actions for the securing of lands sold for taxes," have had the same under consideration, and recommend its passage.

Mr. Dunn, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was re-committed House bill No. 31, entitled "An act to amend section 9 of an act entitled 'an act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases,'" approved June 9, 1852, would respectfully report that they have had the same under consideration, and now submit the following amendment, to-wit :

Strike out all after the enacting clause, and insert the following :

SEC. 9. The jurisdiction of Justices in civil cases shall, unless otherwise provided by law, be limited to their townships respectively: *Provided*, That in all cases where the debt sued on does not exceed seventy-five dollars, it shall be lawful to bring an action in the township where the debt is contracted: *Provided*, The same is in the county of the defendant's residence, and when so amended, recommend its passage.

Which was laid on the table.

Mr. Stephenson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 136, a bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid, have had the same under consideration, and submit the following amendment:

Strike out the first four lines of section 1, which reads as follows: "*Be it enacted by the General Assembly of the State of Indiana, That hereafter when any lands shall be sold by the County Treasurer of any county,*" and substitute the following words, to-wit: "*Be it enacted by the General Assembly of the State of Indiana, That when any lands shall be sold, or may have been heretofore sold by the County Treasurer of any county,*" and when so amended, recommend its passage.

Which was laid on the table.

Mr. Stephenson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 159, a bill to amend section 10 of an act to authorize and limit allowances by courts and boards, and drafts upon County Treasurers, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Stephenson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 111, a bill to amend section 78 of an act entitled "An act to revise and abridge the rules, pleadings, and forms in criminal actions in the courts of this State," have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Wilson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 173, an act to amend section 4 and section 6 of an act entitled, "An act prescribing the powers and duties of Coroners," approved May 27, 1853, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 107, a bill to amend an act entitled, "An act for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858, have had the same under consideration, and recommend that it be indefinitely postponed.

Mr. Vardeman moved that the report of the committee be laid on the table.

Which was agreed to.

Mr. Kerchival, from the Committee on Banks, submitted the following report:

MR. SPEAKER:

Your Committee on Banks, to whom was referred House bill No. 170 entitled, "An act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations doing business in this State," direct me to report, that they have had the same under consideration, and that they recommend its passage without amendment.

Which was laid on the table.

Mr. Kerchival, from the Committee on Banks, submitted the following report:

MR. SPEAKER :

Your Committee on Banks, to whom was referred the report of the Bank of the State and the several branches thereof, have had the same under consideration, and have directed me to report, that they know nothing of the facts therein stated, that said report was made at the time and in the form required by law, and that they deem further action thereon unnecessary.

Which was concurred in.

Mr. Vater, from the Committee on Education, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred a petition of sundry citizens of Warren county, asking for a change in the school law, so as to allow the people of each township their own Congressional fund and distributive share of Common School fund, have had the same under consideration, and respectfully report, that to do so would destroy the uniformity of our Common School system, and prevent our schools from being free and equally open to all, and therefore it is not within the power of the General Assembly to make the change.

Which was concurred in.

Mr. Wildman, from a Special Committee, made the following report :

MR SPEAKER :

Your committee, to whom was referred House bill No. 109, an act to amend the 3d section of an act entitled, "An act for the regulation of weights and measures," approved June 9, 1852, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which was concurred in.

Mr. Beeler, from the Committee on Agriculture, made the following report.

MR SPEAKER :

The Committee on Agriculture, to whom was referred House

bill No. 165 entitled, "A bill providing for a geological survey of the State, and for the collection and preservation of a geological and mineralogical cabinet, and creating the office of State Geologist, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that the blank relating to the salary of the State Geologist (section 1) be filled with \$1,800, and that relating to the annual appropriation (section 6) be filled with \$5,000, and when so amended recommend its passage.

Which was laid on the table.

Mr. Fuller, from the Committee on House joint resolution in reference to Finance, made the following report :

MR. SPEAKER :

The committee to whom was referred House joint resolution in reference to finance, have had the same under consideration, and directed me to report the same back and recommend its passage, with the following additional section.

SECTION 2. *Resolved*, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in the Congress of the United States.

Which was laid on the table.

Mr. Millikan, from the Committee on Roads, presented the following report :

MR. SPEAKER :

The Committee on Roads, to whom was referred House bill No. 22, amending an act entitled, "An act authorizing the construction of Plank, Macadamized and Gravel Roads," approved May 12, 1852, so as to authorize such companies to extend their roads, have directed me to report the same to the House, with the following amendment, to-wit :

In the 1st section of the bill, 9th and 10th lines, where the words "authorize by resolution of Board thereof," add the following: "By and with the consent of a majority of the stockholders of said company, may make," and when so amended recommend its passage.

Which was laid on the table.

Mr. Millekan, from the Committee on Roads, made the following report :

MR. SPEAKER :

The Committee on Roads, to whom was referred Resolution No. 20, requesting the Committee to report a bill authorizing Township Trustees to distribute the road tax in the road district wherein the real estate is situated, &c., and direct me to report the accompanying bill in obedience to the request of the resolution, and recommend its passage.

House bill No. —. A bill to amend section twenty, of an act entitled an act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of County and Township officers in relation thereto, approved March 5, 1859.

Which was laid on the table.

Mr. Underwood, from the Committee on Insurance, made the following report :

MR. SPEAKER :

Your Committee on Insurance, to whom was referred House bill No. 96, a bill authorizing married women to effect insurance upon the lives of their husbands, exempting the proceeds of the same from the claims of the representatives of the husband where the annual premium does not exceed three hundred dollars, providing for the payment of such insurance to the children of such husband and wife, or the children of either, in certain contingencies, and declaring an emergency, have had the same under consideration, and have directed the same to be reported back and recommend the following amendments: Strike out all after the enacting clause, and insert the following:

That a policy of insurance on the life of any person to be for the benefit of any married woman, or a policy assigned or transferred, or made payable to any married woman, whether procured by herself, her husband, or any other person, shall inure to her separate use and benefit, and that of her children, independently of her husband or his creditors, and in like manner in all cases the policy

of insurance shall inure solely to the benefit of the person or persons for whose benefit such policy was insured, assigned or transferred. *Provided*, That nothing herein shall prevent the transfer of such beneficiary; and *provided further*, that the amount of premium paid from the funds of the husband does not exceed three hundred dollars per annum.

Sec. 2. It is declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage, and when so amended recommend its passage.

Which was laid on the table.

Mr. Barnett, from the Committee on House bill No. 156, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 156, entitled an act to prevent the introduction and spread, in this State, of the Texas or Spanish Cattle Fever, have had the same under consideration, and recommend its indefinite postponement.

Which was agreed to.

Mr. Barnett, from the Committee on House bill No. 151, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 151, entitled an act to prevent the introduction and spread of a cattle disease commonly known as Texas or Spanish Fever, report that they have had the same under consideration, and recommend its indefinite postponement.

Which was agreed to.

REPORTS OF SPECIAL COMMITTEE.

Mr. Stewart of Rush, from the Special Committee on Female Prisons, made the following report:

MR. SPEAKER:

Your Special Committee on Female Prisons, have had the matter under consideration, and respectfully report favorably on the subject, and submit the following bill on the subject.

House bill No. 176. A bill to provide for a Reformatory Institution for Girls and Women.

Which was read a first time, and referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

Mr. Welborn, by consent, offered a concurrent resolution, instructing our Senators and requesting our Representatives to use their influence in procuring the passage of a law allowing women to vote.

Mr. Welborn moved to make it the special order for Thursday next, at 2 o'clock.

Mr. Ratliff moved to lay the motion on the table.

Messrs. Ratliff and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Breckinridge, Buskirk, Cave, Chapman, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Smith, Stephenson, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Britton, Carnahan, Coffroth, Cory, Cotton, Cox, Cunningham, Davis, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, McDonald, McFadin, Miles, Mock, Montgomery, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Taber, Tebbs, Welborn, Wile, Williams of Knox and Zenor—30.

So the motion to lay on the table prevailed.

The question being on concurring in the resolution.

The Speaker declared the resolution not properly before the House, therefore was out of order.

Mr. Admire introduced

House bill No. 177. Entitled a bill to amend section thirty of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," and declaring an emergency.

Which was read a first time, and referred to the Committee on Education.

Mr. Pierce of Vigo, from the Committee on Elections, introduced

House bill No. 178. A bill to amend section five of an act entitled "An act for the more uniform mode of doing county and township business, prescribing the time of electing Township Trustees," and declaring an emergency.

Which was read a first time, and passed to a second reading.

Mr. Pierce of Vigo, from the same Committee, introduced

House bill No. 179. A bill repealing section one of an act entitled "An act defining the powers and duties of constables, and prescribing the time of electing the same"

Which was read a first time, and passed to a second reading.

Mr. Beeler introduced

House bill No. 180. "A bill defining the crimes of grand and petit larceny, and prescribing punishment therefor, and repealing sections 19 and 20 of an act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Britton introduced

House bill No. 181. Entitled "a bill authorizing incorporated towns and civil townships to subscribe stock, and make donations in aid of railroad companies."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Breckinridge introduced

House bill No. 182. Entitled "a bill prescribing certain duties on Criminal and Circuit Court, Prosecuting Attorneys, and fixing their compensation, to be paid by the county in which such court is established."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Buskirk introduced

House bill No. 183. A bill supplemental to an act entitled "An act to authorize Township Trustees, Trustees of incorporated towns, and Common Councils of incorporated cities, to levy a tax for school purposes," approved March 9, 1867.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Williams, of Knox moved to suspend the order of business for the purpose of introducing bills and resolutions.

Which was agreed to.

Mr. Cave introduced

House bill No. 184. A bill to amend section 160 of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries and to repeal all laws inconsistent therewith, and providing penalties therein prescribed, approved March 6, 1865.

Which was read a first time and referred to the Committee on Education.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President has signed enrolled Senate bill No. 145, entitled "An act to prevent the introduction and spread of a cattle disease, commonly known as Texas or Spanish fever, by the importation and introduc-

tion of cattle into the State of Indiana, infected with, or liable to impart to others, said disease; and providing for the recovery of damages caused by the introduction of such diseased cattle, from the owners of such cattle.

Also, enrolled Senate bill No. 144, entitled "An act to prevent the introduction and spread in this State, of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor."

And the same are herewith presented for the signature of the Speaker.

The Speaker announced the following special committee on House bill No. 172:

Messrs. Cory, 4th District; Buskirk, 6th District; Gilham, 3d District; Shoaff, 9th District; Davidson, 11th District; Long, 2d District; Breckinridge, 7th District; Calvert, 1st District; Beeler, 5th District; Coffroth, 10th District; Ratliff, 8th District.

Mr. Chittenden introduced

House bill No. 185. Entitled a bill to provide for the publication of all legal notices, now or hereafter authorized by law, including the delinquent tax list, in two papers of each county in which the same are now required by law to be published, the papers to be selected representing two political parties, defining fees for publication, and declaring an emergency."

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Coffroth introduced

House bill No. 186. A bill providing for proceedings supplementary to execution in courts of Justices of the Peace, being supplemental to "An act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Cory introduced

House bill No. 187. A bill to repeal an act entitled an act authorizing the assessment of all lands within one and a half miles on either side, or within one and a half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "An act authorizing the construction of plank, macadamized or gravel roads, approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessments; provided, the lands are situated within the county in which such road is located.

Which was read a first time and referred to the Committee on Roads.

Mr. Cotton offered the following resolution:

Resolved, That House bill No. 62, providing for teaching the German language in the common schools, be made the special order for Wednesday, the 10th inst., at 10 o'clock A. M.

Mr. Johnson, of Marshall, moved to lay the resolution on the table.

Messrs. Coffroth and Johnson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Buskirk, Chittenden, Davidson, Dunn, Fairchild, Furnas, Gordon, Greene, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Millekan, Miller, Miles, Mitchell, Osborn, Overmyer, Ruddell, Sabin, Stephenson, Stewart of Rush, Tabor, Vardeman, Wildman, Williams of Hamilton, Williams of Union and Wilson—37.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davis, Field of Lake, Field of Lagrange, Fuller, Gilham, Hall, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Lo-

gan, Mason, McDonald, McFadin, Montgomery, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Sleeth, Smith, Sunman, Tebbs, Underwood, Vater, Welborn, Wile, Williams of Knox, and Zenor—47.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the resolution,
It was agreed to.

Mr. Cox introduced

House bill No. 188. Entitled a bill prescribing who shall be competent witnesses in the several courts of this State.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills report that they have compared engrossed House bill No. 62 with the original, and find the same correctly engrossed.

Mr. Davidson offered the following resolution :

Resolved, That the Committee on the Organization of Courts are authorized, and they are hereby requested, to proceed at once to re-district the State for judicial purposes, and to facilitate such business, leave to retire from this hall is hereby granted.

And be it further resolved, That said committee be requested to report back the result of their labor to this House at as early a day as practicable, by bill or otherwise.

Which was not agreed to.

Mr. Bobo introduced

House bill No. 189. A bill to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and the acts passed amendatory thereto.

Which was read a first time, and referred to the Committee on Roads.

The Speaker announced that he had signed engrossed Senate bills Nos. 144 and 145.

Mr. Davis introduced

House bill No. 190. A bill to amend the first section of an act entitled "An act requiring recorders to certify to the record of deeds, mortgages, and other instruments admissible to record," approved March 7, 1863.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dunn introduced

House bill No. 191. A bill to amend an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Fairchild introduced

House bill No. 192. Entitled a bill to amend section four of an act appointing commissioners to sell certain real estate therein named, and out of the proceeds thereof to erect a suitable residence for the Governor of the State, and providing for the payment of a certain sum to said Governor, until a residence is provided.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Fuller introduced

House bill No. 193. A bill concerning interest on money, and repealing all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Furnas introduced

House bill No. 194. An act to provide for the publication and distribution of the annual reports of the State Board of Agriculture and of the Indiana State Horticultural Society.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Gordon introduced

House bill No. 195, entitled a "bill making a penal offense to cut, bore, fell, or destroy timber, on the land of any person or corporation, without the consent of the owner."

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Green introduced

House bill No. 196. A bill to amend section four of "an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contrary to the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Which was read a first time, and referred to the Committee on Temperance.

Mr. Hall introduced

House bill No. 197. A bill to legalize the proceedings of the Board of Trustees of towns in certain cases.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Hutson introduced

House bill No. 198. A bill to amend the 19th section of an act approved January 10, 1852, entitled "an act defining felonies and prescribing penalties therefor."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Johnson, of Montgomery, introduced

House bill No. 199. A bill to prevent the spread of distemper among horses, and providing penalties therefor.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Johnson, of Parke, introduced

House bill No. 200. A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding Courts therein.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Jump introduced

House bill No. 201, entitled a bill to provide for the inspection of illuminating oils, and repealing all laws in conflict with the provisions of this bill.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Kercheval introduced

House bill No. 202. A bill to make certain specific appropriations therein designated.

Which was read a first time, and referred to the Committee on Ways and Means.

The Special Committee on the House of Refuge obtained leave of absence for this afternoon.

Mr. Lawler offered the following resolution :

MR. SPEAKER :

WHEREAS, The *Starke County Ledger*, a weekly newspaper published in the County of Starke and State of Indiana, did, on the 15th day of January, 1869, publish a communication, charging, among other things, that Mr. Beatty, the member from Laporte and Starke, had made corrupt proposals to certain railroad companies, in order to secure "passes" therefrom ; therefore, be it

Resolved, That as a matter of right to the honorable member from Laporte and Starke, and in order that this charge may be more fully investigated, that the Chair appoint a committee of five, and that they have power to send for persons and papers to investigate said charge, and report to this House.

Mr. Johnson, of Parke, moved to lay the resolution on the table. Which was agreed to.

On motion by Mr. Underwood, the House adjourned,

TUESDAY, 2 O'CLOCK P. M

The House met.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 9, the same was taken up.

House bill No. 9: A bill entitled, "An act to fix the salaries of the Judges of the Common Pleas Courts of the State of Indiana, and to provide for the payment thereof out of the State Treasury.

A call of the House was ordered.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Buskirk, Carnahan, Chapman, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lagrange, Field of Lake, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tater, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Wile, Williams of Knox, Wilson, Zenor and Mr. Speaker—77.

The question being on concurring in the amendments proposed to House bill No. 9.

Mr. Vater moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on ordering the bill to be engrossed.

Which was not agreed to.

Mr. Buskirk moved to reconsider the vote by which the House refused to order House bill No. 9 to be engrossed.

Mr. Osborn moved to lay the motion on the table.

Which was agreed to.

Mr. McFadin moved to suspend the regular order of business, for the purpose of introducing bills.

Which was agreed to.

Mr. Dittimore introduced

House bill No. 203, entitled, "A bill fixing the time of holding Circuit Courts in the several counties composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all processes returnable to the time fixed by this act, and regulating the transaction of business therein."

Which was read a first time.

Mr. Mason introduced

House bill No. 204: A bill to amend an act entitled, "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incidental thereto," approved May 13. 1852.

Which was read a first time, and referred to Committee on Rights and Privileges.

Mr. McDonald introduced

House bill No. 205 entitled, "A bill to fix the time and length of term of holding the Circuit Court in the county of Marshal, and repealing all laws contravening the provisions of this act."

Which was read a first time, and referred to a select committee of members from the District.

Mr. McFadin introduced

House bill No. 206 entitled, "A bill to repeal an act entitled, an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers," approved March 11, 1867.

Which was read a first time.

Mr. Buskirk moved that it be referred to the Committee on Elections.

Which was agreed to.

Mr. Miles introduced

House bill No. 207: A bill defining some of the duties of County Commissioners, and providing for the safety of funds belonging to the county.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Odell introduced

House bill No. 208.. A bill to legalize conveyances of real estate made by married women, under the age of twenty-one years, where they have joined with their husbands in deed, conveying his land where such husband is now living, and declaring an emergency.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Osborn introduced

House bill No. 209. A bill to define certain offences therein mentioned, to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Overmyer introduced

House bill No. 210. A bill to compel witnesses in civil actions, to testify to all matters pertinent to the issues, and to require parties to all civil actions to answer all interrogatories filed with the pleadings.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Pierce of Porter, offered the following resolution:

Resolved, That the Doorkeeper be, and is hereby instructed, to procure and furnish to each Member of this House, five additional copies, of the Weekly Zeukruft, the same to be wrapped and stamped.

Mr. Dittmore moved to lay the resolution on the the table.

It was laid over under the rule.

Mr. Pierce of Vigo, introduced

House bill No. 211. A bill to prevent dogs from running at large in the night time, and other matters properly connected therewith, and declaring an emergency.

Which was read a first time and referred to the Committee on County and Township business.

Mr. Ratliff introduced

House bill No. 212. Entitled a bill to amend section one of an act fixing the pay of members of the General Assembly, approved March 4th, 1865.

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Shoaff offered the following resolution:

Resolved, That His Excellency, the Governor, be requested to inform this House whether the House of Refuge, lately erected at Plainfield, for the correction of juvenile offenders, is adapted for the reception, correction and reformation of female juvenile offenders, as well as male offenders.

Which was agreed to.

Mr. Shoemaker introduced

House bill No. 213. An act prescribing the duties of County Auditors in relation to cancelled County orders and statements of property, listed by appraisers and assessors.

Which was read a first time and referred to the Committee on County and Township business.

Mr. Sleeth introduced

House bill No. 214. Entitled a bill supplemental to an act entitled an act supplemental to an act approved March 5th, 1859, entitled an act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgage sales, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and extending the time provided in said act for the organization of such distinct corporation, by such purchasers, approved February 1st, 1867.

Which was read a first time and referred to the Committee on Roads.

Mr. Stephenson introduced

House bill No. 215. A bill authorizing the assessment of all lands within one and one half miles on either side, or within one and one half miles of the termini of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "an act authorizing the construction of plank, macadamized and gravel roads, approved May 12th, 1852, when the subscription to such road amounts to at least \$800 per mile and it is not sufficient for the completion of the same, and the collection of such assessments, and repealing an act on the same subject, approved March 11th, 1867.

Which was read a first time and referred to the Committee on Roads.

Mr. Stewart of Rush, introduced

House bill No. 216. A bill to amend an act to enable owners of wet lands to drain and redrain them wherever the same can be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith. Approved, March 11th, 1847.

Which was read a first time and referred to the Committee on Rights and Privileges.

Mr. Underwood introduced

House bill No. 217. Entitled a bill to provide for the government and discipline of the State Prisons, and for the oversight of County Jails, and to repeal all other laws, or parts of laws inconsistent therewith, and declaring an emergency.

Which was read a first time and referred to the Committee on Prisons.

Mr. Vardeman introduced

House bill No. 218. A bill providing for the education, in the Common Schools of our State, of disabled soldiers, of twenty-one years of age and over, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time and referred to the Committee on Education.

Mr. Vater introduced

House bill No. 219. A bill to amend section nine of an act to provide for the assessment and collection of taxes on the shares of stocks owned in banks and banking associations doing business in this State.

Which was read a first time and referred to the Committee on Cities and Towns.

Mr. Welborn introduced

House bill No. 220. A bill to authorize the amendment of bills of exceptions in certain cases therein mentioned.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Wildman introduced

House bill No. 221. A bill to provide for a uniform system of book-keeping in the offices of County Treasurers and County Auditors.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Williams of Hamilton, introduced

House bill No. 222. A bill to entitle persons accused of crime and misdemeanors, to give their own evidence in self-defence before the Courts.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Williams of Knox, offered the following preamble and resolution :

WHEREAS, the printing done by the State Printer, for the last few years, has cost the people of the State a very large sum of money; therefore,

Resolved, That the members of the House of Representatives are in favor of abolishing the office of State Printer, and let all printing by contract to the lowest responsible bidder.

Mr. Wilson moved to refer the resolution to the Committee on Printing.

Mr. Williams of Knox, moved to lay the motion on the table.

Messrs. Cox and Williams of Knox, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Bobo, Britton, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Field of Lake, Fuller, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Lawler, Logan, McDonald, McFadin, Miller, Miles, Moek, Montgomery, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Wile, Williams of Knox and Zenor—38.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Bowen, Buskirk, Chapman, Chitenden, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Johnson of Park, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Mitchell, Osborn, Overmyer, Pierce of Porter,

Pierce of Vigo, Ratliff, Ruddell, Sabin, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—47.

So the motion to lay on the table did not prevail.

The question recurring on the reference to the Committee on Printing.

Mr. Overmyer moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

Which was so ordered.

The question recurring on the motion to refer the resolution to the Committee on Printing.

Messrs. Odell and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Park, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Smith, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Bobo, Bowen, Britton, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McDonald, McFadin, Miles, Mock, Montgomery, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox and Zenor—36.

So the motion to refer to the Committee on Printing prevailed.

Mr. Beeler offered the following resolution :

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending the law governing the control of school houses, to require the director to allow the use of school houses, &c., where there is no church convenient.

Which was agreed to.

Mr. Wilson introduced

House bill No. 223 entitled "A bill to repeal sections 445, 446, 447, 448, 449, 450, 451, 455 and 456, and to amend section 453, of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.'"

Which was read a first time, and referred to the Judiciary Committee.

Mr. Zenor introduced

House bill No. 224. A bill to amend section 2 of an act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, approved March 2, 1865.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Bowen offered the following resolution :

Resolved, That the Committee on Township and County Business be instructed to bring in a bill to so amend the law in relation to the election of Supervisors for road districts as not to allow any one to vote for a Supervisor out of his own district, or in other words, each district elect its own Supervisors, on account of the dissatisfaction in which these officers are now often elected by votes of other districts.

Which was referred to the Committee on County and Township Business.

Mr. McDonald introduced

House bill No. 225. A bill to provide for the holding the Court

of Common Pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.

Which was read a first time, and passed to a second reading.

Mr. Beeler introduced

House bill No. 226. A bill to prohibit the Clerk of Circuit and other Courts from taking and certifying the declaration of any intention of any alien to become a citizen of the United States, except as therein prescribed.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Osborn moved to suspend the regular order of business, for the purpose of taking up engrossed bills.

Mr. Coffroth moved to amend by still further suspending the order of business, so that bills may be offered.

It was agreed to.

Mr. Davis introduced

House bill No. 227. A bill to amend section 9 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and that of county and township officers in relation thereto, approved March 5, 1859.

Which was read a first time, and referred to the Committee on Military Affairs.

Mr. Baker introduced

House bill No. 228. An act to amend section 3 of an amendatory act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Breekinridge introduced

House bill No. 229, entitled a "bill to prevent the destruction of wild, harmless birds, etc., in the State, and fixing the penalty for the same."

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Cave introduced

House bill No. 230. A bill to abolish the office of Prosecuting Attorney, and transferring all criminal business to the Circuit Courts, with certain exceptions, and repealing all laws and parts of laws coming in conflict herewith.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Coffroth introduced

House bill No. 231. A bill defining a certain felony and misdemeanor, and prescribing penalties therefor.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dittmore introduced

House bill No. 232. A bill allowing an increased rate of toll on turnpike, plank and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency.

Which was read a first time, and referred to the Committee on Roads.

Mr. Dunn introduced

House bill No. 233. A bill amending section 9 of an act regulating the fees of officers, and repealing former acts in relation thereto.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Fuller offered the following resolution :

Resolved, That the Committee on Ways and Means inquire what legislation is necessary to enable the County Auditors and County Treasurers to collect the delinquent taxes.

Which was referred to the Committee on Ways and Means.

Mr. Green offered the following resolution :

Resolved, That this House hold night sessions on Tuesday and Thursday nights of each week, until further ordered.

Mr. McDonald moved to lay the resolution on the table.

Messrs. Greene and Davidson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barnett, Beatty, Bobo, Bowen, Britton, Buskirk, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Hall, Hamilton, Higbee, Hutchings, Hutson, Johnson of Montgomery, Jump, Lawler, Lamborn, Mason, McDonald, McFadin, Mock, Montgomery, Overmeyer, Palmer, Ruddell, Sabin, Sleeth, Smith, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile and Zenor—50.

Those who voted in the negative were,

Messrs. Addison, Baker, Bates, Beeler, Breckinridge, Davis, Field of Lake, Gordon, Greene, Higgins, Hyatt, Johnson of Parke, Johnson of St. Joseph, Kerchival, Logan, Millekan, Miller, Miles, Mitchell, Odell, Osborn, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Stephenson, Stewart of Rush, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson and Mr. Speaker—33.

So the resolution was laid on the table.

Mr. Bates asked and obtained leave of absence for five days.

Mr. Hamilton offered the following resolution :

Resolved, That the Auditor of State be requested to furnish this House a statement of the number of Insurance Companies doing business in this State, and also the number of agents employed by such Insurance Companies.

Which was adopted.

Mr. Hutson offered the following resolution :

Resolved, By the House of Representatives, that we tender our grateful thanks to Messrs. Brockaway, of Detroit, and Coffin, of Richmond, for their able and instructive lectures, before the General Assembly, on the afternoon of the 29th of January, 1869.

Which was agreed to.

Mr. Johnson introduced

House bill No 234. A bill declaring the meaning of sections 14

and 16 of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved March 20, 1852, and to authorize and give a right of action by one joint tenant, tenant in common, or tenant in coparcenary, against other joint tenants, tenant in common, and tenants in coparcenary, and to recover rents for use and occupation of land from such tenant in possession, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Kerchival introduced

House bill No. 235. A bill to change the practice in criminal actions respecting the argument of causes on trial.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Lamborn introduced

House bill No. 236. Entitled a bill to repeal all laws and parts of laws in relation to the shooting or trapping Prairie Hens or Chickens.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. McDonald introduced

House bill No. 237. "A bill in relation to practice in the courts of this State, and the entry of judgements in vacation in certain cases, and providing for appeals from such judgments, and for interest thereon in certain cases, modifying all laws contravening the provisions of this act," and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. McFadin offered the following resolution:

Resolved, That hereafter, this House meets at half past nine o'clock in the morning, for the purpose of giving the different committees of this House, time to act on the many bills referred to them for consideration, the resolution to be in force for the balance of the present week, or until otherwise ordered.

Which was adopted.

Mr. Cory introduced

House bill No. 238. "A bill authorizing County Commissioners to make appropriations, and issue bonds in certain cases."

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Mock introduced

House bill No. 239. "A bill defining who shall elect Supervisors of Roads and Highways, and repealing all laws inconsistent therewith."

Which was read a first time, and referred to the Committee on Roads.

Mr. Osborn introduced

House bill No. 240. Entitled a bill to amend the third section of an act providing for the redemption of real property, or any interest therein sold on execution, or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Palmer introduced

House bill No. 241. "A bill describing certain misdemeanors, and prescribing punishment therefor."

Which was read a first time.

Mr. Palmer moved to refer it to the Committee on Rights and Privileges of the Inhabitants of the State,

Which was not agreed to.

Mr. Pierce of Vigo, moved to refer it to the Committee on the Affairs of the City of Indianapolis.

Which was agreed to.

Mr. Pierce of Vigo, introduced

House bill No. 242. A bill to repeal section 18 of an act entitled

an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, etc., so as to release the estates of infants and decedents from useless advertising, etc."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Ratliff offered the following resolution :

Resolved, That W. Pierce of Vigo, be added to the Committee on the Affairs of the City of Indianapolis.

Which was agreed to.

Mr. Shoemaker introduced

House bill No. 243. "A bill fixing the time when personal estates shall be listed, and defining the duties of Assessors, Boards of County Commissioners, and Boards of Equalization in relation thereto."

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Sleeth offered the following resolution :

Resolved, That the Committee on Roads be requested to inquire into the expediency of so amending the law as to exempt all persons from road tax and road labor in said districts in which all roads in said districts are graveled, macadamized, or piked.

It was agreed to.

Mr. Stewart, of Rush, offered the following resolution :

Resolved, That the Committee on Ways and Means be instructed to incorporate in the specific Appropriation Bill an allowance of \$30 each to James C. Graham, Thomas C. Slaughter, James M. Cumback, N. R. Ruckle, Charles Cruft, Thomas H. Bringhurst, Simeon Stansifer, James Park, John W. Burson, Joseph S. Dodge, and Thomas Sumner, for time and money spent in collecting the vote in their several Congressional Districts, at the last Presidential election, by appointment from his Excellency, Gov. Baker.

Which was read and referred to the Committee on Claims.

Mr. Underwood introduced

House bill No. 244. A bill to amend the sixth section of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms, thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Vater introduced

House bill No. 245, entitled a "bill amending section three of an act authorizing the construction of plank, macadamized, and gravel roads, and empowering the same to make sale of a portion of their roads," approved February 28, 1855, and repealing all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on Roads.

Mr. Welborn introduced

House bill No. 246. A bill to enable railroad companies to issue bonds, to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds.

Which was read a first time, and referred to the Standing Committee on Railroads.

Mr. Williams, of Hamilton, introduced

House bill No. 247. A bill to amend sections 1 and 122 of an act approved March 11, 1861, and to define who are liable to pay poll tax, and to repeal all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on Education.

Mr. Williams, of Knox, offered the following resolution:

Resolved, That we, the members of the House of Representatives, are opposed to amending the Constitution of the United States, so as to allow negro suffrage in the United States.

Mr. Lamborn moved to lay the resolution on the table.

Messrs. William of Knox and Lamborn demanded the ayes and noes.

When the name of Mr. Buskirk was called, he asked to be excused from voting.

The Chair ruled that as the roll call had commenced, upon a demand, it was not competent to make a motion of that kind.

Whereupon Mr. Buskirk submitted the following appeal:

WHEREAS, Upon a vote on a resolution introduced by the member from Knox (Mr. Williams), expressing the sense of this House on the subject of negro suffrage, the Chair refused to entertain a motion to excuse the member from Monroe, after the call of the roll had commenced, the undersigned members do hereby appeal from said decision, and ask the judgment of the House on said subject.

.(Signed)

GEORGE A. BUSKIRK.
JAMES JOHNSON.

The question being, shall the decision of the Chair stand as the judgment of the House?

Messrs. Buskirk and Johnson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Park, Johnson of St. Joseph, Jump, Lawler, Lamborn, Logan, Mason, McFadin, Millekan, Miller, Miles, Mitchell, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union and Zenor—69.

Mr. Wilson voting in the negative.

So the decision of the chair was sustained.

Mr. Buskirk moved to reconsider the vote just taken.

Mr. Ruddell moved to lay the motion on the table.

Messrs. Buskirk and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Bobo, Bowen, Britton, Buskirk, Carnahan, Cave, Chapman, Chittenden, Davidson, Davis, Dunn, Fairehild, Field of Lagrange, Gordon, Greene, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of St. Joseph, Jump, Lawler, Lamborn, Logan, McFadin, Millekan, Miller, Miles, Mitchell, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Wilson and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Barnett, Coffroth, Cory, Cotton, Cunningham and Zenor—6.

No quorum voting, and on motion by Mr. Buskirk, the House adjourned.

WEDNESDAY MORNING, 9½ o'clock, }
February 10th, 1869. }

The House met.

Mr. Ratliff moved that the reading of the Journal be dispensed with.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Jump presented a memorial and petition from William Willard, a citizen of the State of Indiana, setting forth a claim for services rendered the State as a teacher in the Asylum for the Education of the Deaf and Dumb, and praying the General Assembly to grant an appropriation of five thousand dollars for his benefit.

Which was referred to the Committee on Claims.

Mr. Vater presented a claim from Mr. Daniel Keely in regard to back pay for service in the early part of the war in the Eleventh Indiana Volunteers.

Which was referred to the Committee on Claims.

Mr. Gordon presented a petition signed by sundry citizens of Boone county, asking for the repeal of the gravel road law.

Which was referred to the Committee on Roads.

REPORTS OF STANDING COMMITTEES.

Mr. Mitchell, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 95, a bill for the relief of John Ingle, junior, with instructions to inquire into the facts stated, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Mitchell, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 169, a bill to amend sections 2 and 22 of an act concerning inclosures, trespassing animals and partition fences, approved June 4, 1852, and to repeal sections 14 and 23 of said act, and declaring an emergency, have had the same under consideration, and recommend that it be indefinitely postponed.

Mr. Beeler moved to recommit the bill to the Committee on Agriculture.

Mr. Bobo, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 154, authorizing Boards of Commissioners of the several counties in the State to levy taxes for the purpose of making subscription to the capital stock of any railroad company, &c., have had the same under consideration, and submit the following amendment :

After the words "three per cent.," in section first, insert the following, to-wit: "On each one hundred dollars worth of property," and, when so amended, recommend its passage.

Which was laid on the table.

Mr. Tebbs, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee to whom was referred House bill No. 133, for the relief of Thomas Hays, for \$70 80, with interest on the same at 6 per cent. per annum, from the 18th day of November, 1853, for money paid the State of Indiana for 40 acres of swamp lands in Jackson county, when the title was vested in Wm. M. Robertson, and House bill No. 133, on the same subject, have had the

same under consideration, and have instructed me to report the same back to the House, recommending that said Thomas Hays be allowed said sum, and incorporated in the specific appropriation bill.

Which was concurred in.

Mr. Gordon, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred House bill No. 67, entitled an act regulating certain fees and allowances to sheriffs and clerks of the Circuit Court designated therein, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Wilson, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The committee, to whom was referred House bill No. 204, a bill to amend an act regulating the granting of divorces, approved May 13, 1852, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which was concurred in.

Mr. Fairchild, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom has been referred House bill No. 228, relative to weights and measures, would report that they have had said bill under consideration, and recommend its passage as amended.

Which was laid on the table.

Mr. Beeler, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 194, A bill to provide for the publication and distribution of the annual reports of the Indiana State Board of Agriculture, and of the Indiana State Horticultural Society, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 128, to amend section 13 of an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, have had the same under consideration, and have directed me to report the same back and recommend its passage. The committee further recommend that the following title be prefixed to the bill, to-wit: "An act to amend section 13 of an act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852.

Which was laid on the table.

Mr. Overmyer from the Committee on House bill No. 175, made the following report:

MR. SPEAKER:

Your Committee have had House bill No. 175, "An act to provide for special terms of the courts of this State, to settle issues and preliminaries, and introducing motions and orders in actions pendings therein, and to prepare for the trial of said actions, and declaring an emergency," and beg leave to present the following amendment:

Amend section first by adding the following:

"Provided if two or more newspapers be printed in the county where such term is to be held, the notice of such term shall be given in two newspapers, which shall be the two having the largest circulation."

Insert as section two, the following section :

SEC. 2. That the Board of County Commissioners in any county where such special term shall be held, may make a reasonable allowance to such Judge as an additional compensation for his services, to be paid out of the County Treasury.

Make section two of the bill, section three.

Make section three of the bill, section four.

When so amended, your Committee recommend the passage of the bill.

Which was laid on the table.

Mr. Pierce of Vigo, moved that the vote be reconsidered by which House bill No. 148 was indefinitely postponed.

Which was agreed to.

Mr. Pierce of Vigo, moved to refer the bill to the Committee on the Judiciary.

Which was agreed to.

Mr. Welborn from the Special Committee on Female Prisons, made the following report:

MR. SPEAKER :

Your Special Committee to whom was referred House bill No. 196, entitled "A bill to provide for a reformatory for girls and women," would respectfully report, that they have had the same under consideration, and direct me to report the same back to this House, with recommendation that it pass.

Which was laid on the table.

Mr. Sabin from the Committee on Claims, made the following report :

MR. SPEAKER :

Your Committee on Claims, to whom was referred the claim of Henry Coleman, for work done on the Governor's mansion at the session of 1865, have had the same under consideration, and have directed me to report the same back, and recommend that, inasmuch as an allowance was made at the session of 1865 to cover

said work, that the additional compensation here asked for, be not allowed.

Which report was concurred in.

SPECIAL ORDER FOR THE DAY.

The hour of ten having arrived, being the hour fixed for the consideration of House bill No. 62,

Mr. Ruddell moved the bill be postponed until Friday next, at ten o'clock, and made the special order for that hour, and upon that motion, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the motion to postpone.

Messrs. Cox and Wile demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Sleeth, Smith, Stephenson, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Wilson and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Admire, Britton, Cave, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Johnson of Montgomery, McBride, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Shoaff, Shoemaker, Sunman, Tebbs, Welborn, Wile, Williams of Knox and Zenor—27.

So the bill was postponed until Friday, at ten o'clock.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the Claim of William B. Matthews, for \$183 91, money spent in arresting one Calhoun, a fugitive from justice, have had the same under consideration, and have instructed me to report the same back, and inasmuch as an allowance of \$98 00 was made to the said claimant for the same service, by the session of 1865, your Committee recommend that no additional compensation be now made.

Which was concurred in.

Mr. Williams of St. Joseph, asked and obtained leave of absence for to-day.

Mr. Williams of Knox, presented a claim for work done on Agricultural Rooms.

Which was referred to the Committee on Claims.

Mr. Miles obtained leave, and presented a petition from a number of citizens of Sullivan county, praying for the enactment of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Williams of Hamilton, obtained leave and presented a petition from sundry citizens of Hamilton county, praying for the enactment of a law prohibiting the sale of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Pending the adjournment on yesterday evening, the question being on laying the resolution of Mr. Williams of Knox, on the table.

The Clerk proceeded to finish the call of the roll.

Those who voted in the affirmative were,

Messrs. Barnett, Breckinridge, Chapman, Davis, Dunn, Fairchild, Greene, Hamilton, Higbee, Higgins, Hutson, Jump, Mason and Wildman—14.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Bobo, Bowen, Britton, Buskirk, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Corton, Cox, Cunningham, Davidson, Dittemore, Field of Lake, Field of Lagrange, Gilham, Gordon, Hall, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Lawler, Lamborn, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor and Mr. Speaker—71.

So the resolution was not laid on the table.

Mr. Stewart of Rush, moved to refer the resolution to the Committee on Federal Relations.

Mr. Stewart of Rush moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

Which was so ordered.

The question recurring on the motion to refer the resolution to the Committee on Federal Relations.

Messrs. Wilson and Williams of Knox, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Rat-

Hiff, Ruddell, Sabin, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton. Williams of Union, Wilson and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Bobo, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox and Zenor—34.

So the motion to refer to the Committee on Federal Relations, prevailed.

INTRODUCTION OF BILLS.

Mr. Admire offered the following Preamble and Joint Resolution :

WHEREAS, The Congress, of the United States has passed a Joint Resolution giving to all races and colors, equal political rights and privileges, in every State, thereby annulling plain provision of almost every State Constitution and,

WHEREAS, In so doing they have greatly transcended their powers, and by "one fell swoop" of tyrannical oppression, have torn from the several States one of the dearest rights, which they have ever held sacred, and,

WHEREAS, We believe those rights rest with the people of the several States who are directly interested, and that it is but another usurpation of power unwarranted by the Constitution of the United States, for them to thus interfere: therefore,

Resolved, That the General Assembly of the State of Indiana, do here enter their solemn protest against any such measure as this, believing it to be one of the most diabolical and dastardly outrages upon human liberty, that ever was sought after or concocted by the human brain.

Mr. Ratliff moved that the House Joint Resolution No. 9, be rejected.

Mr. Underwood moved the previous question.

Which was seconded by the House.

The question being: Shall the main question be now put?

It was so ordered.

The question on Mr. Ratliff's motion to reject.

Messrs. Ratliff and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Chapman, Chittenden, Cory, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Mason, McDonald, Millekan, Miller, Mitchell, Osborn, Overmeyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Wilson and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Addison, Admire, Bobo, Calvert, Carnahan, Cave, Cotton, Cox, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McFadin, McGregor, Miles, Mock, Montgomery, Odell, Palmer, Sleeth, Sunman, Tebbs, Wile, Williams of Knox and Zenor—30.

So the resolution was rejected.

Mr. Chittenden obtained leave of absence until day after to-morrow.

Mr. Ratliff obtained leave of absence until to-morrow afternoon.

Mr. Osborn moved to suspend the regular order of business for the purpose of introducing a resolution.

Messrs. Osborn and McFadin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Bowen, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hamilton, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Millikan, Miller, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Williams of Hamilton and Williams of Union—39.

Those who voted in the negative were,

Messrs. Addison, Admire, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Dittemore, Fairchild, Fuller, Hall, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Odell, Overmyer, Palmer, Sabin, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Welborn, Wile, Williams of Knox, Zenor and Mr. Speaker—44.

So the order of business was not suspended.

Mr. Wildman obtained leave of absence until Friday morning.

HOUSE BILLS ON SECOND READING.

House bill No. 24. A bill to regulate the standing of the medical profession, declaring who may practice, and providing penalties for its violation.

Which was read a second time, with the amendments.

Mr. Vater moved to strike out all after the enacting clause, and insert the following :

SEC. 1. That it shall be unlawful for any person or persons, male or female, within the limits of the State of Indiana, to practice medicine, surgery, or obstetrics, for reward or compensation, for any sick, diseased, infirm, injured or disabled person, within the said State of Indiana, save and except the persons belonging to one of the classes hereinafter named and described as follows, to wit :

Those who of right hold and possess a *bona fide* diploma, given to them by some duly incorporated medical school in the United States of America, or in some foreign country.

Or in lieu of this, those who have practiced medicine, surgery, or obstetrics, for a period of not less than ten consecutive years.

Those not belonging to either of the classes above named and described, but who have obtained a certificate of qualification, and license to practice medicine, surgery or obstetrics, from the Board of Censors of any one of the duly incorporated State Medical Institutes or Associations of the said State of Indiana.

Provided always, That all the members of said Board of Censors, shall be graduates of some duly incorporated school of medicine; and shall have been practioners in the profession of medicine in the said State of Indiana for a period of not less than four consecutive years before their appointment, and shall be of good moral character, and shall make oath or affirmation as prescribed for other officers of the State of Indiana, that they will faithfully perform the duty of medical examiner in the case of every person making application to them for a certificate of qualification and license to practice medicine, surgery, and obstetrics in the State of Indiana.

SECTION 1. *Provided also,* That when any person has been in continous practice for a period not less than five years preceding the going into effect of this act, he shall be allowed two years in which to comply with the provisions of section one of this act.

Provided also, That every person applying for a certificate of qualification and license, and every person claiming to belong to any of the classes named and described in this act, as practioners of medicine, shall be of good moral character.

SEC. 2. Any person or persons, male or female, living in the said State of Indiana, or coming into said State, who shall violate within the limits of said State, section one of this act in any one of its clauses and provisions, shall be deemed guilty of a misdemeanor, and such person shall be proceeded against, as in other cases of misdemeanor, in any court of said State having jurisdiction of misdemeanors, and upon conviction thereof, every such person shall be fined in the sum of not less than fifty dollars, nor more than one hundred dollars; and upon conviction of a second violation thereof, every such person shall, in addition to a similar fine, be imprisoned

for the term of thirty days in the county jail of the county in which said offense shall have been committed, and, in no case wherein section one of this act is violated shall any person, male or female, so violating it receive any reward or compensation for medical, surgical, or obstetrical services claimed to have been rendered; *provided*, that nothing contained in this act, shall be construed to apply to any person practicing dentistry.

SEC. 3. No town, county, or district Medical Institute or Association, in said State of Indiana, shall have authority to issue certificates of qualifications and license to any person, male or female, to practice medicine, surgery, or obstetrics for reward or compensation in the said State of Indiana, and the sole power and authority to issue such certificates, shall rest only in a duly incorporated State Medical Institute, or Association of the State of Indiana, acting through and by the Board of Censors of such State Institute or Association.

SEC. 4. It shall be lawful for every Board of Censors described in this act, to require the payment of an examination fee in advance, from every person making application for examination in the theory and practice of medicine, surgery and obstetrics, said fee not to exceed ten dollars.

SEC. 5. No person, male or female, shall be allowed to practice medicine, surgery or obstetrics, within the limits of the State of Indiana, until the full name of such person is registered in the office of the Recorder of the county in which such person resides or proposes to practice as aforesaid, and the Recorder aforesaid, shall not admit to registration the name of any person except upon presentation of his diploma or certificate of qualification and license as hereinbefore provided for, or in default thereof, the party asking registration, shall first make oath or affirmation that he has practiced as aforesaid for a period of not less than ten consecutive years.

SEC. 6. No person shall be held amenable to the provisions of this act, until on and after the first day of October, A. D. 1869.

On motion by Mr. Carnahan, the House adjourned.

WEDNESDAY, 2 O'CLOCK P. M.

The House met.

Message from the Governor by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 10, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith a communication in respect to the resolution of the House in regard to the admission of female juvenile offenders into the House of Refuge.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of House of Representatives:

In reference to the resolution of the House, passed yesterday and received by me this morning, requesting information as to whether the House of Refuge, lately erected at Plainfield for the correction of juvenile offenders, is adapted to the reception, correction and reformation of female juvenile offenders as well as male offenders, I beg leave to say that it is not adapted to the reception of both sexes. In my message to the General Assembly, delivered at the commencement of the present session (see page 23), I used the following language, to which I respectfully invite your attention viz:

“It is impossible to receive girls in the House of Refuge at Plainfield without destroying its reformatory character, and converting it into a juvenile prison.”

Before the House of Refuge was located, or the plan of the institution was determined upon, three commissioners of that institution visited similar institutions in other States, and I endeavored, also, to otherwise inform myself of the practical working of such institutions. The result was that the commissioners and myself

became fully satisfied that to render such an institution reformatory it must, as far as possible, be divested of the character of a mere prison, and made to assume that of an industrial reform school.

The boys are divided into families of fifty each, each family having a "House Father," and an assistant, and the boys of each family are divided into two classes, twenty-five boys being in each class. Ordinarily these classes alternate in labor and study, so that each class is occupied one-half of each day in labor on the farm or in the shop, and the other half in study in the school room.

The Institution is modeled after the Ohio Reform School, which is believed to be the most successful reformatory in the United States. In that Institution girls are not received. The experience of the last year convinces me that the commissioners acted wisely in adopting the Ohio plan, and I think it would be a grave error to convert the institution into a prison, which would be the result of any legislation requiring both sexes to be admitted.

CONRAD BAKER.

Which was referred to the Select Committee on Prisons.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 52, the same was taken up.

Mr. Stewart, of Rush, moved to postpone the further consideration of the bill until next Tuesday at 10 o'clock.

Mr. Stewart, of Rush, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the postponement of the bill and making it the special order for 10 o'clock Tuesday.

Which was agreed to.

Pending the adjournment was the question upon the adoption of the amendment offered by Mr. Vater to House bill No. 24.

Mr. Overmeyer offered the following resolution :

Resolved, That House bill No. 24, with all the amendments, be referred to a special committee, consisting of Messrs. Jump, Breckinridge, Hutchings, Baker and Furnas, who shall incorporate into the bill such of the provisions of the amendments as they may deem best, and report to this House, as soon as practicable, the result of their deliberations.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 63. Entitled a bill prohibiting the use of spring balances by dealers in articles sold by weight, and prescribing the penalty for its violation.

Was read a second time, with amendments.

The question being on the adoption of the amendments,

Mr. Palmer called for a division of the question.

It was so ordered.

The question being on the adoption of the first amendment,

It was agreed to.

The question being on the adoption of the second amendment,

It was agreed to.

The question being on ordering the bill to be engrossed,

It was agreed to.

House bill No. 73. A bill to amend section 15 of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a second time with amendments.

The question being on the adoption of the amendments reported by the Committee.

Mr. Williams of Knox, moved to amend the amendment by striking "out that portion of the bill that relates to the removing of a pauper."

Which was agreed to.

The question being on the amendments reported by the Committee.

Mr. Dittmore moved to amend by "striking out that portion allowing fifteen cents for each motion."

Which was not agreed to.

The question being on the amendment reported by the Committee.

Which was agreed to.

The question being on the engrossment of the bill as amended.

Which was so ordered.

And the bill was passed to a third reading on to-morrow.

House bill No. 40. A bill to enable County Commissioners to sue for and collect, money in the hands of persons who acted as Treasurer of organizations to relieve counties from the draft.

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

House bill No. 5. Entitled a "bill to amend the one hundred and third section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions, in the Courts of this State," approved June 17th, 1852.

Which was read a second time.

Mr. Bobo moved to postpone the further action on the bill for one week.

Which was not agreed to.

The question being on the engrossment of the bill.

Which was so ordered.

And the bill ordered to be engrossed for a third reading on to-morrow.

House bill No. 117 was taken up with the report of the Committee.

Mr. Pierce of Vigo, moved to refer the bill to the Committee on Elections.

Which was agreed to.

House bill No. 132. A bill to enable cities to aid in the construction and water powers.

Which was read a second time.

And the bill ordered to be engrossed and passed to a third reading on to-morrow.

House bill No. 101. A bill to repeal the License Law of March 1859.

Taken up and on motion of Mr. Williams of Knox, was laid on the table.

House bill No. 124. A bill supplemental to an act to provide for the confinement of persons insane and dangerous, when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed, approved February 21, 1855, and to provide for the recovery of moneys expended by one county in the arrest, care, safe keeping, clothing and treatment of an insane person, whose legal settlement is in another county, from the county of said legal settlement.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

House bill No. 167, entitled a bill defining certain misdemeanors and prescribing punishment therefor, and fixing fees of certain officers in prosecutions under this act, and preventing minors from playing at billiards at public billiard saloons.

Which was read a second time.

Mr. Mitchell moved to amend section — as follows:

Provided, That nothing in this act shall be construed to legalize the keeping of billiard tables.

Mr. Osborn moved to lay the amendment on the table.

It was not agreed to.

The question being on the adoption of the amendment offered by Mr. Mitchell,

Messrs. Williams of Knox and Mitchell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Britton, Carnahan, Cory, Cotton, Cox, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Green, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Lamborn, Logan, Mason, McBride, McDonald, Miller, Mitchell, Mock, Montgomery, Overmyer, Shoemaker, Smith, Stephenson, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Buskirk, Calvert, Cunningham, Dittmore, Johnson of Marshall, Jump, McFadin, McGregor, Millekan, Miles, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Sleeth, Welborn and Williams of Union—21.

So the amendment was agreed to.

The question recurring on the engrossment of the bill.

It was agreed to.

House bill No. 137. A bill to amend the 23d section of an act entitled an act to incorporate the Terre Haute and Richmond (now the Terre Haute and Indianapolis) Railroad Company, approved January 26, 1847, so as to require annual reports and exhibits from the officers of said corporation, declaring the object of the act and an emergency for its immediate taking effect.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 138, entitled a bill amending section 22 of an act entitled an act to incorporate the Terre Haute and Richmond (now Terre Haute and Indianapolis) Railroad Company, and declaring the intention of the act, and an emergency for its immediate enforcement.

Which was read a second time.

Mr. Pierce moved to refer the bill to the Committee on the Judiciary, with instructions to inquire if the General Assembly has the right to amend or change the charter of the Terre Haute Railroad Company.

Which was agreed to.

The question being on the engrossment of the bill.

It was so ordered, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Welborn moved to reconsider the vote by which the House concurred in the report of the Committee on Claims in regard to the allowance of William B. Matthews.

Which was agreed to.

On motion by Mr. Welborn, the claim was recommitteed to the Committee on Claims.

House bill No. 134, entitled a bill to amend an act entitled "an act to amend section seventy-six of an act defining misdemeanors, and prescribing punishment therefor," approved February 14, 1865, and to enforce the same.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

House bill No. 135, entitled a "bill to provide for the disposition of moneys in the State Treasury, to the credit of estates without heirs, and declaring them escheated to the State in twenty years."

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 139. A bill for the relief of Nicholas Morback, Joseph E. Lange, and Francis Joseph Wetzler.

Which was read a second time.

Mr. Williams, of Knox, moved to refer the bill to the Committee on the Judiciary.

Which was agreed to.

On motion by Mr. McFadin, the House adjourned.

THURSDAY MORNING. 9½ O'CLOCK, }
February 11, 1869. }

The House met.

Mr. Johnson, of Marshall, moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal of yesterday was read and approved.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR SPEAKER:

The Committee on Engrossed Bills have carefully compared engrossed House bills Nos. 63, 167, 73 and 124, with the original, and find them correctly engrossed.

The Speaker announced the following special committee on House bill No. 205: Messrs. McDonald, Johnson of Marshall, Pierce of Porter, Beatty, Williams of St. Joseph, Wile, Field of Lake, Barnett and Davidson.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. McFadin presented a petition from sundry citizens of Cass county, asking for a prohibitory law prohibiting the traffic of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Pierce, of Vigo, presented two petitions from citizens of Vigo county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Cox, of Miami county, presented several petitions asking for a law to prohibit the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Vardeman presented three petitions from citizens of Randolph county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Gordon, of Boone, presented a petition from citizens of Boone county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Fairchild presented a petition from citizens of Carroll county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Millekan presented several petitions from citizens of Henry county, praying for a law to suppress the evil growing out of the license law.

Which was referred to the Committee on Temperance.

Mr. Millekan presented five petitions from citizens of Henry county, asking a prohibitory liquor law.

Which were referred to the Committee on Temperance.

Mr. Higbee presented a petition from citizens of Kosciusko county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Coffroth presented a petition from A. C. Matchell, asking that medical quacks be prohibited from practicing medicine in this State.

Which was referred to the Special Committee on Medical Bill.

Mr. Bowen presented seven petitions from citizens of Wayne county, asking a prohibitory liquor law.

Which were referred to the Committee on Temperance.

Mr. Buskirk presented copies of letters from Senator Morton and others, relative to the war claims of the State of Indiana.

Which were referred to the Committee on Ways and Means, without reading.

Mr. Stewart of Rush presented seven petitions from citizens of Rush county, asking a prohibitory liquor law.

Which were referred to the Committee on Temperance.

Mr. Stewart of Rush presented a memorial from sundry soldiers of the late Sixteenth Regiment Indiana Volunteers, in relation to a monument to be erected to the memory of the late Gen. P. A. Hackleman.

Which was read, and referred to the Special Committee on that subject.

Mr. Williams of Hamilton, presented two petitions from citizens of Hamilton county, on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Williams presented a petition signed by sundry citizens of Hamilton county, on the evils growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Sunman presented three petitions from sundry citizens in regard to the Morgan Raid Claims.

Which were referred to the Committee on Claims.

Mr. Shoemaker presented a petition from citizens of Perry county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Lawler presented a petition from sundry citizens of Washington and Clarke counties, asking for a change in the liquor laws of the State.

Which was referred to the Committee on Temperance.

Mr. Lawler presented a petition signed by sundry citizens in reference to the running of county lines.

Which was referred to the Committee on County and Township Business.

REPORTS FROM STANDING COMMITTEES.

Mr. Pierce of Vigo, from the Committee on Elections, made the following report :

MR. SPEAKER :

The Committee on Elections having had under consideration the matter of changing the time of holding the elections in this State, ask leave to report the following bill as a part of the plan adopted by said Committee in relation to such subject.

A bill to amend section one of an act entitled an act providing for the election or appointment of Supervisors of Highways, and prescribing the time of electing the same, and declaring an emergency.

Which was laid on the table.

Mr. Pierce, of Vigo, from the Committee on Elections, made the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 117, "A bill to amend the sixteenth section of an act to provide for contesting the election of any State, District, Circuit, County, or Township office," approved May 4th, 1862, "to provide relief in cases of contests erroneously commenced by reason of the misprint of the said sixteenth section, and to provide for taking depositions in all contests for Circuit and District offices."

Which was laid on the table.

Mr. Kercheval, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

Your Committee on Ways and Means, to whom was referred House bill No. 202, "A bill to make certain specific appropriations, therein designated," have directed me to report that they have had the same under consideration, and that they recommend its passage.

Which was laid on the table.

Mr. Coffroth, from the Judiciary Committee, made the following report:

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 186, "A bill providing for proceedings supplementary to execution in Courts of Justices of the Peace, being supplemental to an act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties, in civil cases, approved June 9, 1852," have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Dunn, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 190 to amend the first section of an act entitled an act to require County Recorders to certify to the record of deeds, mortgages and other instruments, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Dunn, from Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 182, A bill prescribing certain duties of Prosecuting Attorneys of Criminal Circuit Courts, and fixing their compensation, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Dunn, from Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 198, "A bill to amend the nineteenth section of an act approved June 10, 1852, entitled an act to define felonies, and prescribing punishment therefor," have had the same under consideration, and recommend that it pass.

Which was laid on the table.

Mr. Wilson, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 139, "An act for the relief of Nicholas Moreback, Joseph E. Lange and Francis Joseph Wetzel," have had the same under

consideration, and respectfully submit the opinion that no liability will attach to either county or State, by the passage of the bill; the Committee therefore recommend its passage.

Which was laid on the table.

Mr. Gordon from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 103, declaring certain contracts to pay attorneys' fees void, have had the same under consideration, and recommend that it be indefinitely postponed.

Mr. Greene moved to lay the report on the table.

Which was agreed to.

Mr. Dunn, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 158, to amend section 24 of an act entitled an act to provide for the valuation of real and personal property and the collection of taxes, approved June 31, 1852, have had the same under consideration, and recommend its passage.

Mr. Welborn, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 104, a bill to amend section 397 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings, in civil cases, in the courts of this State," have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Welborn, from the Judiciary Committee made the following report :

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 129, a bill providing for the service of process and notice to parties to suits or other proceedings in courts, by setting up written or printed notices in five public places in the county, have had the same under consideration, and recommend that it be indefinitely postponed.

Which, on motion, was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 188, prescribing who shall be competent witnesses in the several courts of the State, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Johnson of Parke, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

Your Committee on Organization of Courts, to whom was referred House bill No. 200, a bill defining what courts shall constitute the 8th Judicial Circuit, and fixing the time of holding courts therein, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which was laid on the table.

Mr. Vater, from the Committee on Education, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 130, making an appropriation for the use of the State Normal School Building have had the same under consideration, and would respectfully recommend its passage.

Mr. Vater moved that House bill No. 130 be made the special order for 11 o'clock to-day.

Mr. McFadin moved to amend by making said bill the special order for Tuesday next, at 2 o'clock.

Which was agreed to.

Mr. Gilham, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 148, an act to amend section 160 of an act entitled "An act providing a general system of common schools and the officers thereof," approved March 1, 1865, and declaring an emergency, have had the same under consideration, and recommend its indefinite postponement.

Which was concurred in.

Mr. Baker from the Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred House bill No. 177, A bill to amend section 30 of the Common School Law, approved March 11th, 1861, have had the same under consideration and authorize me to report that no further legislation is necessary on the subject embraced in said section 30, and to recommend that the bill be indefinitely postponed.

Which was concurred in.

Mr. Sabin from the Committee on Claims made the following report:

MR. SPEAKER:

Your Committee to whom was referred the claim of James A. Thornton, for mileage and per diem. in contesting the seat of Simon Wile, a member of this House from the county of Laporte, have had the same under consideration, and instructed me to report the same back to the House, and recommend the allowance of

the following sum: For ten days service as aforesaid, at \$5,00 per day, \$50,00; mileage on 308 miles, coming to and going from Indianapolis to contest said seat, at 20 cents per mile, \$60,18, making a total of \$110,18, and the Speaker is hereby authorized to issue a warrant for the same in favor of said James A. Thornton.

Which was concurred in.

Mr. Breckinridge from the Committee to whom was referred the petition of Henry Feagler, made the following report:

Your Committee to whom was referred the petition of Henry Feagler, relative to the neglected condition of the grave of the late Governor Willard, have had the same under consideration and respectfully submit the following preamble and resolution, for the consideration of the House.

WHEREAS, It has been represented to this honorable Body, that the grave of the late Governor A. P. Willard, in the northern burying ground at New Albany, is unenclosed and unprotected, without any stone or other memorial, to mark the last resting place of one of Indiana's accomplished statesmen and orators: therefore,

Resolved, That the Committee on Ways and Means be instructed to appropriate (\$500) five hundred dollars, for the purpose above named, and that they designate the manner in which it shall be expended.

Which was agreed to, and the resolution adopted.

Mr. Carnahan from the Committee on House bill No. 236, made the following report:

MR SPEAKER:

The Committee to whom was referred House bill No. 236, a bill to repeal all laws and parts of laws in relation to the shooting or trapping of prairie hens or chickens, have had the same under consideration, and direct me to report the same back to the House and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Stewart of Rush, from the Standing Committee on Railroads, made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 105, an act to regulate and make uniform the prices charged by railroad companies for transferring goods, merchandise and material to and from stations on railroads in this State, direct me to report the same back with the following amendment thereto: to-wit,

Strike out all after the enacting clause and insert the following: "An act to regulate and make uniform the prices charged by railroad companies for transporting goods, wares, merchandise and other property, to and from stations on railroads in the State of Indiana, declaring the duty of certain officers in relation thereto, prescribing penalties for violations thereof, and declaring an emergency, and with that amendment they recommend its passage."

Which was laid on the table.

Mr. Higbee, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House bill No. 213, "A bill prescribing the duties of County Auditors in relation to canceled county orders and statements of property listed by appraisers and assessors," have had the same under consideration, and would respectfully recommend its passage.

Which report was laid on the table.

Mr. Fairchild, from the Committee on House bill No. 243, made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 243, entitled "An act fixing the time when personal estate shall be listed, and defining the duties of Assessors, Boards of County Commissioners, and Board of Equalization in relation thereto," would re-

port that they have had the same under consideration, and recommend the passage of said bill.

Which report was laid on the table.

Mr. Cunningham, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 211, "A bill to prevent dogs from running at large in the night-time, and other matters, prescribing an emergency," beg leave to report that they have had the same under consideration, and recommend its indefinite postponement.

Mr. Cunningham, moved that the report be concurred in.

Which was not agreed to.

Mr. Hyatt, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee on Township and County Business, to whom was referred House bill No. 224, "A bill to amend section 2 of an act to discourage the keeping of useless and sheep killing dogs," have had the same under consideration, and have directed me to report the same back to the House, and also recommend its passage.

Which report was laid on the table.

Mr. Baker, from the Committee on Federal Relations, made the following report :

MR. SPEAKER :

The Committee on Federal Relations, having had joint resolution No. 8 under consideration, being a joint resolution asking the passage of a law by Congress, removing all disabilities under existing laws from certain volunteers serving in the army for the suppression of the late rebellion, because of said volunteers having left the service of their command before the 15th day of April, 1865, beg leave to report the same back, and recommend its passage.

Which report was laid on the table.

Mr. Fuller, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House Joint Resolution No. 3, in reference to taxing Government Bonds as other property, have had the same under consideration, and directed me to report the same back without any recommendation.

Which report was laid on the table.

Mr. Mitchell moved to re-consider the vote by which the House postponed House bill No. 159.

Which was agreed to.

Mr. Mitchell moved that the bill be re-committed to the Committee on the Judiciary.

Which was agreed to.

Mr. Cotton asked and obtained leave of absence, from to-morrow until monday next, at noon,

Mr. Osborn moved to suspend the regular order of business, and take up the report of the committee recommending the indefinite postponement of House bill No. 103.

Which was agreed to.

The question being, on concurring in the report.

Mr. Wile asked and obtained leave of absence until Tuesday noon.

Mr. Mitchell moved to dispense with the regular order of business, and proceed now to the consideration of House bill No. 103.

Which was not agreed to.

Mr. Osborn moved that it be made the special order for to-morrow, at two o'clock.

Mr. Johnson of Marshall, moved to lay Mr. Osborn's motion on the table.

Messrs. Osborn and Neff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Cave, Chapman, Cory, Cotton, Davidson, Davis, Dittemore, Dunn, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Odell, Palmer, Ruddell, Shoemaker, Sleeth, Stephenson, Vardeman, Vater, Williams of Hamilton, Williams of Union, Wilson, Zenor and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Admire, Beatty, Bobo, Britton, Carnahan, Coffroth, Cox, Cunningham, Fairchild, Gilham, Hall, Hutchings, Hyatt, Johnson of Montgomery, Jump, Kercheval, Lawler, Lamborn, Logan, Monroe, Montgomery, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Smith, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Wile, Williams of Knox, and Williams of Union—39.

So the motion to lay on the table prevailed.

HOUSE BILLS ON SECOND READING.

House bill No. 140. A bill repealing certain sections of an act to provide for the registry of voters and declaring their residence, and prescribing further duties of the officers of elections.

Was read a second time.

Mr. Coffroth moved that said bill be made the special order for three o'clock this afternoon.

Which was agreed to.

House bill No. 160. A bill to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other offices of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, ap-

proved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 161. A bill to amend an act exempting certain property from sale on execution, being chapter 16, approved February 17, 1852, by adding an additional section thereto.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 23. A bill to change the times of holding elections in this State.

Was read a second time, with the amendments.

Mr. Williams, of Knox, moved to recommit with instructions to authorize the election for April, 1869 and 1870, and the October election for 1869.

Mr. Buskirk moved to lay the amendment on the table.

Which was agreed to.

Mr. Carnahan moved to lay the bill on the table, and order two hundred copies to be printed.

Which was not agreed to.

The question being on the first amendment reported by the committee.

Which was agreed to.

The question being on the adoption of the second amendment.

Mr. Palmer moved to lay it on the table.

Which was not agreed to.

The question recurring on the adoption of the second amendment.

It was agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Mitchell, the House adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bills Nos. 132, 135, 139, and 40, have directed me to report that they have examined the same, and compared the same with the original bills, and find them correctly engrossed.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 134, have directed me to report that they have carefully compared the same with the original bill, and find it correctly engrossed.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 113,

Mr. Ratliff moved that the same be taken up.

Which was agreed to.

House bill No. 113. A bill to provide for the education of colored children, applying all school laws thereto, and repealing all laws inconsistent herewith.

Which was read a second time.

The question being, shall the bill be ordered to be engrossed?

Mr. Ratliff offered the following amendment. Strike out all after the enacting clause, and insert the following:

Section 1. That in assessing and collecting taxes for school purposes, under existing laws, all property, real and personal, subject to taxation for State and county purposes, shall be taxed for the

support of common schools, without regard to the race or color of the owner of the property.

Sec. 2. All children of the proper age, without regard to race or color, shall hereafter be included in the enumeration of the children of the respective school districts, townships, towns and cities of this State, for school purposes; but in making such enumeration the officer charged by law with that duty, shall enumerate the colored children of proper age, who may reside in any school district, in a separate and distinct list from that in which the other school children of such school district shall be enumerated.

Sec. 3. The Trustee or Trustees of such township, town or city shall organize the colored children into separate schools, having all the rights and privileges of other schools of the township: *Provided*, there are not a sufficient number within attending distance, the several districts may be consolidated and form one district. But if there are not a sufficient number within reasonable distance to be thus consolidated, the Trustee or Trustees shall provide such other means of education for said children as shall use their proportion, according to numbers, of school revenue to the best advantage.

Sec. 4. All laws relative to school matters, not inconsistent with this act, shall be deemed applicable to colored schools.

Sec. 5. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

The question being on the adoption of the amendment offered by Mr. Ratliff,

Mr. Vater moved the previous question.

Which was seconded by the House.

The question being upon the adoption of the amendment,

Messrs. Coffroth and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckin-
H. J.—33

ridge, Buskirk, Chapman, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Addison, Admire, Bobo, Calvert, Carnahan, Cave, Cofroth, Cory, Cotton, Cox, Cunningham, Dittmore, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoemaker, Sleeth, Sunman, Tebbs, Wile, Williams of Knox and Zener—34.

So the amendment was agreed to.

Mr. Vater moved that the bill be ordered to be engrossed, and upon that, moved the previous question.

Which was not seconded by the House.

The question recurring on the engrossment of the bill.

It was so ordered, and the bill ordered to be engrossed for a third reading on to-morrow.

Message from the Governor, by Mr. Commons, his private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 11, 1869.

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MR. SPEAKER :

By direction of the Governor, I have the honor, respectfully to transmit herewith his message, accompanied by a statement of the disbursements made in pursuance of the 8th section of the act of March 7, 1867.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 11, 1869. }

Gentlemen of the Senate and House of Representatives :

By the act of March 7, 1867, entitled "An act to protect and indemnify officers and soldiers of the United States, and officers and soldiers of the Indiana Legion for acts done in the military service, &c.," the sum of three thousand dollars was appropriated for the purpose of employing competent counsel at the expense of the State, to conduct the defence in actions and prosecution coming within the provisions of said act. In pursuance of the provisions of the eighth section of said act, I herewith respectfully submit a statement of the disbursements made in pursuant of said act with a schedule of the cases in which, and the names of the persons to whom payments were made.

In all cases in which counsel was employed, it was done upon the written application of the persons against whom suits were commenced, the compensation being stipulated in advance by agreements in writing, which agreement, with the written application of the defendants and vouchers will be submitted to the General Assembly, or any committee thereof if desired.

CONRAD BAKER.

Which was referred to the Committee on Ways and Means.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee to whom was referred House bill No. 161, have directed me to report, that they have carefully compared the same with the original bill, and find the same correctly engrossed.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 140, the same was taken up.

House bill No. 140. A bill repealing certain sections of an act to provide for the registry of voters and declaring their residence, and prescribing further duties of the officers of elections.

Mr. Coffroth offered the following amendment:

SECTION —. The Township Trustee shall, by virtue of his office, be inspector of elections of such Township, and shall designate the place or places where elections shall be held in his Township; *provided*, that whenever any City is situated within the limits of any Township, an election for State, County or Township officers, shall be held in each ward of such City, and in addition thereto, the Township Trustee shall designate a place or places where elections shall be held for the balance of such Township, and voters in such Cities shall vote in the ward where they may have their respective, lawful residences, and the voters of such Township outside of such City, shall vote at such place as such Trustee may appoint as aforesaid.

SEC. —. In any Township where there is more than one place of holding elections, it shall be the duty of the Township Trustee to appoint some qualified voter of such ward or additional election precinct to act as inspector at such election poll, and the inspector of each election poll shall appoint two qualified electors of such election district to act as judges, who with such inspector shall constitute the Board of Election, and each of such, when so appointed by such inspector, shall appoint a clerk, who shall also be a qualified voter of such district; *provided*, that in making such appointments of judges by such inspector, he shall appoint such persons from different political parties as may be designated by the respective central committees of the two largest political parties in the Township, so that each party may have a representative upon said Board; *provided*, there be different political parties in such precinct.

SEC. —. That any Township Trustee, Inspector, Judge or Clerk, of election, who shall wilfully or knowingly violate any of the provisions of this act, or of the act regulating general elections, shall be deemed guilty of felony, and upon conviction thereof, shall be imprisoned in the State Prison for not less than one year, nor more than five years.

Mr. Calvert offered the following amendment:

Strike out "twenty days" as a bona fide resident and insert "three days" in lieu thereof.

Mr. Kercheval offered the following amendment.

Amend by adding to the second section of the bill the following :

Provided, That the officers and clerks of the elections, shall each take an oath that he will not disclose to any person for whom any elector voted.

The question being on the adoption of the first amendment offered by Mr. Coffroth.

It was agreed to.

The question being on the second amendment.

Mr. Vardeman offered the following amendment.

Amend by striking out so much as relates to any recommendation to be made by the committees of the two political parties.

Mr. Vater offered the following amendment :

Strike out so much as relates to the designation of the officers of elections.

Mr. Buskirk moved to postpone the further consideration of the bill and amendments, until next Wednesday at two o'clock.

Which was agreed to.

Mr. Barnett obtained leave of absence till Tuesday morning.

Mr. Pierce from the Committee made the following report :

Your Committee to whom was referred the resolution providing for additional copies of the Weekly Zeuknoff, have had the same under consideration and recommend its adoption.

Mr. Ratliff moved to lay the report on the table.

Messrs. Pierce and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Cotton, Cox Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field

of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Jump, Lawler, Logan, McFadin, McGregor, Miles, Mitchell, Mock, Monroe, Montgomery, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Stephenson, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Williams of St. Joseph and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Barnett, Beatty, Bowen, Cory, Field of Lake, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Lamborn, McBride McDonald, Millekan, Miller, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Shoemaker, Sleeth, Smith, Taber, Williams of Knox, Williams of Union and Zenor—26.

So the report was laid on the table.

Mr. Vater moved to make House bill No. 17 the special order for Thursday at 2 o'clock.

Which was not agreed to.

Mr. Ruddell moved that the Standing Committee on Prisons be authorized to appoint a sub-committee of three, to visit the Southern Prison, with a like committee of the Senate.

Which was agreed to.

On motion, House bill No. 78 was taken from the table and placed on the calendar.

Mr. Johnson of Montgomery, obtained leave of absence until Monday.

Mr. Cory, by consent, introduced

House bill No. 248. An act fixing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit of the State, and declaring an emergency.

Which was read a first time.

Mr. Sleeth moved that it be deemed expedient to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Bowen, Bobo, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Fairchild, Fuller, Furnas, Gilham, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Park, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—77.

Those who voted in the negative were,

Messrs. Field of Lagrange, Gordon, Greene, Higgins, Vardenian, Vater, Zollars and Mr. Speaker—8.

So it was deemed expedient to suspend the constitutional rule, and the bill was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Park, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—84.

Mr. Vater voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Buskirk moved to suspend the constitutional rule requiring bills to be read on three several days, for the purpose of taking up Senate bill No. 227, and House bills Nos. 202, 59, 64, 6 and 11.

Mr. Stewart moved to lay the motion on the table.

It was not agreed to.

The question recurring on the motion of Mr. Buskirk,

The ayes and noes were taken under the constitutional rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Breckinridge, Buskirk, Cave, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis, Dunn, Field of Lake, Furnas, Gilham, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Smith, Stewart of Rush, Taber, Tebbs, Underwood, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Britton, Calvert, Carnahan, Cox, Fairchild, Field of La-grange, Gordon, Greene, Hyatt, Johnson of Montgomery, Johnson of Marshall, McBride, McGregor, Montgomery, Palmer, Shoaff, Sunman, Vardeman and Vater—19.

So it was deemed expedient to suspend the constitutional rule, for the purpose of putting the bills upon their passage.

Message from the Senate by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 227, entitled "a bill to fix the times of holding Courts of Common Pleas in the counties of Lawrence, Jackson, Jennings and Bartholomew, repealing inconsistent laws, and declaring an emergency," in which the concurrence of this House is respectfully requested.

Engrossed Senate bill No. 227. "An act to fix the times of holding Courts of Common Pleas in the counties of Jennings, Lawrence, Jackson and Bartholomew, repealing all laws inconsistent therewith, and declaring an emergency."

Which was read a first and second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabiu, Shoaff, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—78.

Mr. Vater voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 202. A bill to make certain specific appropriations therein designated.

Which was read a second time by its title.

Mr. Kercheval moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 202 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kerchival, Lamborn, Long, Mason, McBride, McFadin, Millekan, Miller, Mitchell, Monroe, Montgomery, Neff, Osborn, Overmeyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Rush, Summan, Taber, Tebbs, Underwood, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Mr. Speaker—72.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee report that they have compared engrossed House bill No. 23, with the original bill and find it correctly engrossed.

Engrossed House bill No. 11. A bill to create the 21st and 22d Judicial Circuits, to fix the time of holding courts therein, and to provide for the election of Judges and Prosecuting Attorneys therein.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were

Messrs. Addison, Admire, Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Williams, of Hamilton, Williams of Union, Zenor and Mr. Speaker—78.

Those who voted in the negative were.

Messrs. Hall, Higbee, Johnson of Marshall, McFadin and Williams of Knox—5.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill ?

Mr. Coffroth offerered the following amendment to the title :

Amend—"And also to fix the time of holding the spring term of the Court of Common Pleas of Miami county."

The amendment was concurred in.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 6. A bill providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction and use of the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beaty, Beeler, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, McFadin, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Admire, Britton, Williams of Knox and Zenor—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Carnahan moved that the House do now adjourn.

Which was not agreed to.

Engrossed House bill No. 59. A bill to fix the time of holding the Circuit Court in the counties of Kosciusko and Noble of the Fourteenth Judicial Circuit.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Beeler, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, McFadin, Miller, Millekan, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—72.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 64. A bill defining what counties shall constitute the Twelfth Common Pleas District, and fixing the time of holding Courts therein.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton,

Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kerecheval, Lamborn, Logan, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—71.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Hamilton, of Vigo, obtained leave of absence from this morning on account of sickness of family.

On motion by Mr. Coffroth, the House adjourned.

FRIDAY MORNING, 9½ o'clock, }
February 12th, 1869. }

The House met.

Mr. Williams, of Knox, asked and obtained leave of absence for next week.

Messrs. Beatty, Fairchild and Sunman obtained leave of absence until noon of Tuesday next.

Messrs. Higbee, Cave, Field of Lake, Miller and Montgomery obtained leave of absence until Monday next.

Mr. Tebbs obtained leave of absence until Tuesday next.

Mr. Underwood moved that when the House adjourn this evening, it shall be until Monday next at two o'clock.

Which was agreed to.

Mr. Palmer obtained leave of absence for next week.

Mr. Buskirk moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Osborn, from the Special Committee on Railroads, offered the following:

Resolved, That the Special Committee on Railroads be allowed \$5 worth of stationery.

Which was agreed to.

Mr. Mock presented five petitions from the citizens of Madison county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Williams, of Hamilton, presented a petition signed by sundry citizens, asking for a law prohibiting the traffic of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Ruddell presented a claim from the city of Indianapolis, amounting to \$5,572.35, on account of building fences, etc.

Which was referred to the Committee on Claims.

Mr. Higbee presented a petition from citizens of Kosciusko county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Addison presented a petition from the citizens of Hancock county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Admire presented a petition from three hundred and forty citizens of Johnson county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Bowen presented a petition from citizens of Wayne county, praying the repeal of all laws legalizing the traffic in intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Ratliff presented a petition from citizens of the State asking that a Prison for Women be established in this State.

Which was referred to the Committee on Female Prisons.

Mr. Buskirk presented the following resolution:

Resolved, That John Campbell, Doorkeeper of the last House of Representatives, be allowed \$5 per day for three days' services and mileage on one hundred and twenty miles, at twenty cents per mile, for attendance in the organization of this House of Representatives.

Which was referred to the Committee on Claims without reading.

Mr. Buskirk, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee to whom was referred Engrossed House bill No. 150, "A bill appropriating twelve thousand dollars for furnish-

ing wards and subsisting patients in the north wing of the Indiana Hospital for the Insane," have had the same under consideration, and instructed me to report the same back to the House with the following amendment: In section first, in the third line, strike out the word "twelve" and insert "eight," and when so amended, recommend its passage.

Which was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Baskirk, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 193, "A bill concerning interest on money, and repealing all laws inconsistent therewith," have had the same under consideration, and have instructed me to report the same back to this House, and that the same be indefinitely postponed.

Which report was concurred in.

Mr. Osgood, from the Committee on Judiciary, made the following report:

MR. SPEAKER:

We the undersigned, members of the Judiciary Committee, beg leave to report on House bill No. 103, a recommendation that the same be passed without amendment.

Which was laid on the table.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have compared Engrossed House bill No. 113, with the original, and find it correctly engrossed.

Mr. Coffroth, from the Judiciary Committee, made the following report:

H. J.—34.

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 61, "A bill to encourage the republication of Blackford's Reports, and appropriating money to pay for the same," have had the same under consideration, and have instructed me to report the same back, with the following amendment :

Strike out all after the enacting clause, and insert the following :

That the Secretary of State is hereby authorized and required to purchase of the publishers as fast as they may be issued, four hundred and fifty copies of each volume of the new edition of Blackford's Reports, to be published by Callaghan & Cockcroft; the binding and printing to be equal in every respect to the late volumes of Indiana Reports, at a price not exceeding that which, at the time, he may by law pay for the Indiana Reports: *Provided*, The said Callaghan & Cockcroft shall cause said Reports to be carefully annotated by a competent lawyer, with references to subsequent decisions of the Supreme Court, and to be stereotyped, so that the books may be kept in the market at all times.

SEC. 2. It shall be the duty of the Secretary of State to cause said Reports, so purchased, to be distributed as by law the Indiana Reports are now distributed.

SEC. 3. The accounts for said Reports shall be audited and paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. That all copies of such Reports furnished by the Secretary of State to the several counties, shall be branded with the name of the counties for which they are respectively intended, similar to the manner in which Township Library books are now branded.

SEC. 5. It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall therefore be in force from and after its passage, and that when the same is so amended, they recommend its passage.

Which was laid on the table.

Mr. Osborn asked and obtained leave of absence for the Committee on Military Affairs, to visit the Soldier's and Seamen's Home.

Mr. Gordon, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 237, a bill in relation to practice in the courts of this State, and the entry of judgments in vacation in certain cases, and providing for appeals from such judgments, and the interest in certain cases, modifying all laws contravening the provisions of this act, have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Stephenson, from the Judiciary Committee, made following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 234, a bill declaring the meaning of sections 14 and 16 of an act entitled an act containing several provisions regarding landlords, tenants, lessors and lessees, approved March 20, 1853, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Wilson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 80, a bill declaring what evidence shall be sufficient *prima facie* to establish title to real estate under a sheriff's sale or execution, and providing that such sales shall not be adjudged void or set aside on account of the failure of the sheriff to sell in parcels, have had the same under consideration and submit the following amendment, to-wit:

Strike out section 2, and all that portion of the title of the bill which refers to said section, after which its passage is recommended.

Which was laid on the table.

Mr. Wilson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 208, an act to legalize conveyances of real estate made by married women under the age of twenty-one years, where they have joined with their husbands in deeds conveying his land, when such husband is now living, and declaring an emergency, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 235, an act to change the practice in criminal actions respecting the argument of cases on trial, have had the same under consideration, and recommend that it be indefinitely postponed, there being a bill of the same purport now before the House.

Which was concurred in.

Mr. Overmyer, from the Committee on House bill No. 224, made the following report:

MR. SPEAKER:

Your Committee on House bill No. 224, a bill fixing the time of holding the Common Pleas Courts in the counties of Franklin, Union, Fayette and Wayne, have had the same under consideration, and do now recommend its passage.

Which was laid on the table.

Mr. Ratliff, from the Committee on Education, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred a resolution of the Teachers' Institution of Rush county, asking legislation in favor

of furnishing Webster's Unabridged Dictionary and Geographical Globe to each school district, have had the same under consideration, and instructed me to report the same back to the House and recommend its indefinite postponement.

Which was concurred in.

Mr. Shoemaker, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 238, an act authorizing County Commissioners to make appropriations and issue bonds in certain cases, have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, recommend its passage :

Strike out the proviso in section 2, and insert the following :

Provided, that no greater amount than \$10,000 be appropriated in aid of any road at any one time, except upon petition of a majority of all interested, and any such petition shall distinctly set forth the amount of the appropriation asked for.

Which was laid on the table.

Mr. Wilson, from the Committee on Cities and towns, made the following report :

MR. SPEAKER :

Your Committee on Cities and Town, to whom House bill No. 174 was referred, a bill to provide for the improvement of the streets of incorporated towns and villages, have had the same under consideration, and request me to report the same back with the recommendation that be indefinitely postponed.

Which was concurred in.

Mr. Underwood, from the Committee on Insurance, made the following report :

MR. SPEAKER :

Your Committee on Insurance, to whom was referred House bill No. 118, a bill to provide for the establishment of an Insurance

Department for the State of Indiana, for the appointment of an Insurance Commissioner for said Department, prescribing his powers and duties, and repealing all laws or parts of laws in conflict therewith.

Which was concurred in.

Mr. Millekan from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 55, "A bill to amend an act to provide for the opening, vacating or changing highways," approved March 9, 1867, have had the same under consideration, and direct me to report the same back, and recommend that it be indefinitely postponed.

Which was concurred in.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of engrossed House bill No. 62, the same was taken up.

Engrossed House bill No. 62. A bill to amend section 147 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Bobo, Britton, Buskirk, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery.

Johnson of Marshall, Jump, Kerehival, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Rush, Taber, Tebbs, Underwood, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Bowen, Davidson, Green, Sabin, Stephenson, Vardeman and Wildman—7.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Coffroth moved to amend the title, so as to read as follows:

A bill to amend section 147 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties prescribed, approved March 6, 1865.

Which was agreed to.

The title as amended, was then adopted as the title of the bill.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Odell, from the Committee on Cities and Towns, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 219 entitled "An act to amend section 9 of an act to provide for the assessment and collection of taxes on the shares of stock owned

in banks and banking associations during business in this State," have had the same under consideration, and have directed me to report the bill back to the House, with the following amendment to wit: Strike out the word "Nation" in the twelfth line of section 1, and insert "National," and when so amended, recommend its passage.

Which report was laid on the table.

Mr. Odell, from the Committee on Cities and Towns, made the following report:

MR. SPEAKER:

Your Committee on Cities and Towns, to whom was referred House bill No. 153, entitled "A bill to repeal all laws providing that not more than five acres of land shall be subject to taxation within a city, and to make all property subject to State, county, and municipal taxation within a city, subject to taxation for city purposes," have had the same under consideration, and instruct me to report the same back to this House, with the following amendments, viz:

Amend the title of said bill by adding after the word "city" in the seventh line thereof, the words "or town"; also add after the words "city" in the eighth line, the words "and towns."

Also amend the bill by striking out all in section two after the words "Sec. 2." and insert the following words, viz:

All real and personal property within the corporate limits of any city or town within this State, shall be liable for taxation for city and town purposes, that is now or may hereafter be liable to taxation for State and county purposes.

Further amend section three of said bill by striking out all after "Sec. 3." to and including the words "present year." in the fourth line of said section three, and when so amended, we recommend its passage.

Which report was laid on the table.

REPORTS FROM SPECIAL COMMITTEE.

Mr. McDonald, from the Special Committee, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 295, "A bill fixing the time of holding Circuit Court in the county of Marshall," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Osborn, from the Special Railroad Committee, submitted a report of their proceedings with reference to the Terre Haute and Richmond Railroad Company, and their conclusion as to the right of the State in certain contingencies to regulate freights and tariffs of said road, and enclosing a resolution to the effect that the Speaker appoint a special committee of three to continue the investigation.

To the Honorable Speaker and House of Representatives:

GENTLEMEN:—The Special Railroad Committee who were charged with the investigation of the management and conduct of the railroads of the State, submit the following report of their proceedings, and the facts learned in regard to the management of the Terre Haute and Indianapolis Railroad. At the last session of the General Assembly, a committee appointed by that body required the officers of that road to answer this question:

"Has the Terre Haute and Indianapolis Railroad Company any surplus earnings belonging to the School Fund?"

The question has been frequently asked, not only by committees, but by the people, who desire to know the fact, and no satisfactory answer has as yet been obtained, and your committee, understanding the necessity of an answer, and the importance of the work assigned them, commenced their investigation by endeavoring to ascertain how far said company had complied with the twenty-third section of their charter, which reads as follows, viz:

"SECTION 23. That when the aggregate amount of dividends declared shall amount to the full sum invested, and ten per cent. per annum thereon, the Legislature may so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any,

after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of the State, for the use of the Common Schools; but the corporation shall not be compelled, by law, to reduce the tolls and freights so that a dividend of fifteen per centum per annum can not be made. And it shall be the duty of the corporation to furnish the Legislature, if required, with a correct statement of the amount of expenditures, and the amount of profits after deducting all expenses, which statement shall be made under the oath of the officer whose duty it shall be to make the same."

The question as to compliance with this section involves a question of interpretation of the statute. The committee have been advised that the company construe this section in such a way that by it the School Fund is entitled to nothing at their hands until the Legislature of the State shall have first ascertained that the aggregate amount of dividends declared shall amount to the full sum invested in the road, and ten per centum thereon, and then have declared the amount due. The committee are of the opinion that this interpretation is erroneous, and that the statute simply means that the Legislature might, on a contingency, regulate the tolls. And if they thought it better, in the interest of the people, to reduce freights and tolls, than to thus increase the School Fund, they might do so.

The committee believe the clear intention of the framers of the law was to give to the common schools the benefit of all profits arising from the road, over and above the fifteen per centum annually on the actual legitimate investments in this particular road.

But the committee regard this question as one more appropriate for the judiciary than for them to decide, and they do not see proper to present it further.

It has been ascertained that out of the \$800,000 of capital stock originally subscribed to this road, but \$633,387.10 thereof has ever become an investment in the road. Before the road could be completed more money was needed, and the company issued her mortgaged bonds to the amount of \$600,000 at seven per cent. interest, and \$63,000 at six per cent. interest, and by selling them raised

money sufficient to advance the road to completion. On the 16th of February, 1852, the first engine passed over the road, and business along the entire line commenced. In 1853 the first dividend in January, denominated dividend No. 1, was \$25,294.24, as per the official report of the company attached hereto. And in the report of 1854 it will be seen that the sum of \$144,000 of the seven per cent. bonds was paid by the earnings of the road, and \$1,200 of the six per cent. bonds were paid in the same way, and certificates of stock issued to the stockholders therefor. The same year \$27,400 of the surplus earnings of the road were paid on said bonds, for which it seems no certificates were issued. These bonds were gradually disposed of in this way out of the earnings of the road, and the capital stock thus apparently increased, as will be seen by reference to the official reports appended hereto.

The committee do not question the right of stockholders to thus appropriate their proportion of the legitimate dividends, but they submit the question, can they thus swell the basis upon which dividends must be made, and thus force the reduction of the per cent. in the same proportion that they increased the basis. It will be seen by the report of the Secretary of the company for the year 1855, that the entire cost of the road, including all appurtenances and interest in the Union Depot and track at Indianapolis up to December 31, 1854, was \$1,465,321.91, and it will also be seen that this amount, except the sum of \$633,000 of subscribed stock, before named, comes from the actual earnings of the road. If this were in fact investments in the road, according to the meaning of the term, as used in section twenty-three, then it would be the proper basis upon which to make dividends, and the reports of the company would inform us when the contingency would arise to authorize the Legislature to regulate the tolls, and the company when to commence the payment to common schools. The aggregate of dividends, if made on this basis, would amount to the full sum of the investments, and ten per centum per annum thereon, about the time of the dividends in 1863, as per reports of dividends appended hereto.

The committee find that large investments, outside of this road, have been made out of the surplus earnings of the road, as follows, viz.:

In 1855, Evansville and Crawfordsville Railroad.....	\$9,250 00
In 1860, Extension of Evansville and Crawfordsville Railroad	94,552 00
In 1863, United States 5.20 bonds.....	100,000 00
In 1865, stock in Cincinnati and Indianapolis Road..	50,000 00
In 1865, stock in E. H. and Nashville Railroad, by taking city of Evansville bonds.....	55,000 00
In 1866, expended on St. Louis and Vandalia and Terre Haute Railroad	191,258 47
In 1866, North Branch Road	8,517 38
In 1866, Union Star Line.....	2,500 00
Aggregate	<hr/> \$511,077 85

In the year 1856, a stock dividend was made of \$216,570.00; and in 1863, another was declared of \$376,700.00; in addition to the regular dividends. There was also an extra dividend made in 1865, of 95,007.50. In 1867, the Board of Directors, in order to prevent a projected consolidation of their road with other roads, took out of the surplus earnings of the road the sum of \$522,900.00, and though Mr. McKeen, the present President of the road, bought stock of their own road and placed it in the hands of Chauncey Roe, Esq., as trustee for the railroad company, thus securing to themselves a controlling power over the road, and the company now make dividends on this stock to themselves.

The committee has not been able to decide why it is that the stock of the road has been increased to the extraordinary amount of about \$3,000.000, by surplus of the earnings of the road, and then the purchase of that stock began by the road herself out of the net earnings, by an expenditure in a year of \$522,900, if there has been in fact no annual dividend exceeding 15 per cent. While the officers of the road so construe the 23d section before referred to, that there is nothing due the common school fund, yet they endeavor to show that their dividends have not exceeded 15 per cent. If the capital stock has been thus increased from \$632,000 to the large sum of \$3,000.000, certainly more than 15 per cent. has been made, and all the net profits over 15 per cent. on the legitimate investments, after allowing the stockholders the full sum invested, and ten per cent. per annum thereon, would belong to the School Fund of the State.

To ascertain the exact amount due the Common School Fund, it will be necessary to review all the dividends, and to give explanatory evidence, which the committee do not now submit for obvious reasons.

The thirteenth section of the charter reads as follows, viz :

"The State, in times of war, shall have the right to transport troops, munitions of war and provisions free of toll, on said road."

The company have a construction for this section also. They say that, under this section, the State cannot claim a benefit, because the State has not been involved in war.

The section evidently means that no charge shall be made by this road in time of war (that is, any kind of war that causes the State to ask for transportation of troops, &c.,) against the State.

During the late war the State was required by the general Government to raise a large number of troops, to engage in a defense, not only of her own citizens and soil, but of the whole country; and for the purpose it was necessary for the State to ask for transportation of troops, &c. It was not for this company to decide what kind of war they were to be engaged in, but it is enough for them to know that a war existed, and that the State asked for transportation of troops, &c.

A large sum of money has been paid this road for the transportation of troops, munitions of war, and provisions during the war, and if this section means anything, it is that the State should have such transportation free of toll.

The managers of this road have displayed great ability in its financial business, and have made it a superior road. But they have had the benefits of a charter unequalled by that of any other for liberal terms; and while officers of the corporation complain that unjust investigations are made as to the conduct and management thereof, and legislation unfriendly to the interest of the road proposed, they cannot consistently deny the great liberality of the Legislature in enacting such laws as they have asked, and repealed such parts of their charter as did not suit them.

While the committee commend the liberality extended to this and other railroads by the Legislature, they would suggest that a corresponding sense of justice and liberality ought to be shown the people of the State on the part of corporations created and fostered by their law makers.

The officers of the road have kindly aided the committee in obtaining the facts here reported, and have promptly complied with every request made, and the committee have to thank them for their generous assistance, which has so much facilitated the labor of these investigations. The object of the committee in this investigation has been to ascertain the facts fully, and they have not investigated to their entire satisfaction all the law questions which might arise in litigation, and while they believe the spirit of the act and the intention of its authors were to give to the Common School Fund all over fifteen per cent. of the net earnings of the road, they admit the question is not entirely free from doubt, and that the 23d section is somewhat ambiguous.

They therefore recommend that a committee of three be appointed by the Chair to further investigate, with power to send for persons and papers, and to administer oaths, and upon consultation with the Attorney General and the Governor of the State, to institute any proceedings necessary to insure a just settlement of all questions of liability of said railroad company to the State, and recommend the adoption of a resolution providing for the appointment of such committee appended hereto:

MILTON A. OSBORN,
A. E. GORDON,
GEO. A. BUSKIRK,
S. L. McFADIN,
R. T. KERCHEVAL,
WILLIS G. NEFF,
J. R. COFFROTH.

Resolved, That a committee of three be appointed by the Speaker to further investigate the question involved in the special charter of the Terre Haute and Indianapolis Railroad Company, with power to send for persons and papers, and to administer oaths, and upon consultation with the Attorney General and Governor of the State, to institute any proceeding necessary to insure a just settlement of all questions of liability of said road to the State.

The report of the Committee was concurred in, and the resolution adopted.

Mr. Hutchings from the Special Committee on House bill No. 24, made the following report:

MR. SPEAKER:

Your Special Committee to whom was referred House bill No. 24, A bill to regulate the standing of the Medical profession, declaring who may practice medicine and providing penalties for its violation; and a bill offered as a substitute therefor, entitled a bill to regulate the standing of the medical profession, etc., have had the same under consideration, and beg leave to report that they have incorporated the essential features of the two bills into the one reported herewith, and recommend its passage.

Which report was laid on the table.

Mr. Welborn from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 209, a bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences, have had the same under consideration and direct me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Baker introduced

House bill No. 249. A bill to amend an act entitled an act providing for the election or appointment of Supervisors of Highways and prescribing certain of their duties, and those of County and Township officers in relation thereto, approved December 26, 1865.

Which was read a first time and referred to the Committee on Roads.

Mr. Osborn asked, and obtained leave of absence for Mr. Speaker for to-day.

Mr. McFadin asked, and obtained, leave of absence for Mr. Lawler.

Mr. Beeler introduced

House bill No. 250. A bill to allow a Homestead of \$1,000 to each householder who is the head of a family, and exempting the same from levy and forced sale, and making provisions for the proper execution thereof.

Which was read a first time and referred to the Committee on Rights and Privileges.

Mr. Britton offered the following preamble and resolution :

WHEREAS, It has been demonstrated that a vast amount of labor is necessary to finish the business now pending before the House, most of which our constituents are deeply interested in : and,

WHEREAS, Most of the members of this House did pledge themselves to their constituents during the canvass, before the election, that they would faithfully discharge their duties ; therefore,

Resolved, That after this week we meet at 9 A. M., and continue in session until 12 M., and meet at 2 P. M., and continue in session until 5 P. M., on each and every day, until the close of the session, Sundays excepted.

Which was laid on the table.

Mr. Britton, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 209, "A bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences," have had the same under consideration, and recommend that it pass.

Which report was laid on the table.

Mr. Chittenden introduced

House bill No. 201. Entitled "A bill to legalize the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed for the same purposes for the years 1869 and 1870."

Which was read a first time and referred to the Committee on Ways and Means.

Mr. Coffroth offered the following resolution :

Resolved, That the Committee on Prisons are hereby instructed to inquire into the expediency of providing by law that the same Board of Trustees shall manage and control the Northern and Southern State Prisons, and to report by bill or otherwise.

Which was adopted.

Mr. Cory offered the following resolution :

Resolved, That no leave of absence shall be granted after the present week, except for special cause shown, and by a vote of the House.

Mr. Buskirk moved to lay the resolution on the table.

Whereupon the Speaker ruled the whole matter out of order.

Mr. Stewart of Rush introduced

House bill No. 232. A bill to appoint Trustees for, and incorporate and locate the Indiana Agricultural College, provide for its endowment, and defining its powers and duties and declaring an emergency.

Which was read a first time.

Mr. Stewart of Rush, moved to refer the bill to a special committee of one from each Congressional District.

Which was agreed to.

The hour of eleven having arrived, the same being the time for Orders of the day,

Mr. Welborn moved to suspend the regular order and take up Senate message.

Which was not agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 37. A bill to authorize Township Trustees to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay debts for the erection of such buildings.

Which was read a second time, amendments adopted, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 93. A bill to amend section fifteen of an act to create a State Normal School, and declaring an emergency, approved December 20, 1865.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 114. An act to amend the fifth section of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed."

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 43. An act to repeal an act entitled "An act to allow County Commissioners to organize Turnpike Companies when three-fifths of the real estate within the prescribed limits petitioned for the same, and to levy a tax for its construction, and to provide same toll free.

Which was read a second time with the amendments.

The question being on the adoption of the amendments,
They were not agreed to.

The question on ordering the bill to be engrossed,
It was not agreed to.

House bill No. 42. A bill to amend section 21 of an act enti-

itled "An act to authorize a company to construct the Aurora and Laughery Turnpike," approved February 15, 1848.

Was read a second time and ordered engrossed for a third reading on to-morrow.

House bill No. 143. A bill supplemental to an act entitled "An act to provide for the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for taking up, impounding, and selling all such animals as shall not be allowed by law to run at large," approved May 31, 1862.

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 82. A bill to amend an act for the protection of wild game.

Was read a second time and ordered engrossed.

House bill No. 147. A bill to provide for the care of certain idiots.

Was read a second time, amended, and ordered engrossed for a third reading.

House bill No. 141. A bill to fix the mode of assessing the amount of property upon which taxes shall be assessed.

Was read a second time with amendments.

The question being on the adoption of the amendments,

They were agreed to.

Mr. Johnson, of Parke, moved to refer the bill to the Committee on Ways and Means.

Mr. Ratliff moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to refer the bill to the Committee on Ways and Means,

It was agreed to.

The Speaker announced the following committee on railroad investigation: Messrs. Osborn, Buskirk and Coffroth.

The Speaker laid before the House the following communication and accompanying report from the Superintendent of Public Instruction:

To the Members of the House of Representatives:

GENTLEMEN:—I am unable to furnish reliable information touching the common school funds and educational revenues of all the States, not having received statistics of States that have been most successful in developing the common school system, and of such as are in proximity to this, I embrace the earliest opportunity to submit in response to your wishes.

Which was referred to the Committee on Education.

Mr. Cunningham obtained leave of absence until Monday.

Mr. Williams, of Knox, presented a petition from sundry citizens in regard to the erection of a female prison, or girls' reformatory.

Which were referred to the Committee on Female Prisons.

Mr. Ruddell presented a petition from citizens of Marion county, asking a suitable prison for women.

Which was referred to the Committee on Female Prisons.

On motion Mr. Johnson of Marshall, the House adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Johnson of Marshall obtained leave of absence until Tuesday morning next.

Mr. Stephenson moved that House bill No. 78 be made the special order for Tuesday at 10 o'clock.

Which was not agreed to.

Mr. Neff moved a call of the House.

Which was agreed to.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Beeler, Bobo, Bowen, Britton, Cave, Chittenden, Coffroth, Cory, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnace, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Miles, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Varde-man, Welborn, Wiidman, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—67.

There being a quorum present, the further call was dispensed with.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 178, entitled an act to amend section 1 of an act fixing the time of holding Circuit Courts in the several counties of this State, approved June 18, 1852.

Mr. Coffroth moved to make House bill No. 78 the special order for Tuesday at 2 o'clock.

Mr. Ruddell moved to lay the motion on the table.

Messrs. Coffroth and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Chittenden, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilbain, Greene, Hall, Hamilton, Hutson, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Mason, Mock, Monroe, Overmyer, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stewart of Rush, Taber, Underwood, Vardeman, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Addison, Beeler, Bobo, Bowen, Britton, Carnahan, Cave, Coffroth, Cory, Cunningham, Davis, Gordon, Higgins, Hutchings, Hyatt, Logan, McBride, McDonald, McFadin, McGregor, Miles, Montgomery, Neff, Odell, Osborn, Palmer, Ratliff, Shoaff, Sleeth, Stephenson, Tebbs, Welborn, Wildman, Williams of Knox and Zenor—35.

So the motion to lay on the table prevailed.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed enrolled Senate bill No. 187, entitled "An act to amend section 1 of an act fixing the time of holding Circuit Courts in the several counties of this State," approved June 18, 1852, and the same is herewith transmitted for the signature of the Speaker.

The Speaker announced that he had signed enrolled Senate bill No. 168.

Ordered, That the Clerk inform the Senate thereof.

HOUSE BILLS ON SECOND READING.

House bill No. 60. A bill supplemental to an act entitled "An act supplemental to an act entitled 'an act for the incorporation of

insurance companies, defining their powers and prescribing their duties,'” approved June 17, 1852, approved December 20, 1865, and providing penalties for the violation of the provisions of this act.

Which was read a second time, with amendment reported by the Committee.

The amendment was read and agreed to.

The bill was then ordered to be engrossed, and passed to a third reading on to-morrow.

House bill No. 78. A bill in relation to the salaries of county officers, and providing the manner of paying the same, and regulating the allowances to be made by County Boards, and Circuit and Common Pleas Courts, and repealing all laws inconsistent with this act.

Which was read a second time, with amendments.

The amendments were read and agreed to.

Mr. Coffroth moved to amend as follows :

Strike out all after the enacting clause, and insert the following :

Section 1. That the Clerk, Auditor, Sheriff and Treasurer shall each receive the sum of twelve hundred dollars annually for their services, and no more, except as provided for in this act ; said salary to be paid quarterly out of the county treasury, as provided for in section 8 of this act.

Sec. 2. There shall be allowed, in addition to the salaries provided for in the first section of this act, for the pay of clerks or deputies for said officers, the following amounts : In counties with a voting population of three thousand, the Clerk, Auditor and Sheriff shall each receive annually the sum of six hundred dollars, and six hundred dollars for each additional one thousand voters, and the Treasurer three hundred dollars for each three thousand voters, and three hundred dollars for each additional one thousand voters : *Provided, however,* That the Treasurer shall receive the fees and perquisites for the collection of delinquent taxes as now provided for by law.

Sec. 3. The Clerk and Sheriff shall keep an accurate account

(in a fee book kept for the purpose) of all fees and charges allowed by law for any and all services performed in an official capacity either by themselves, their clerks or deputies.

Sec. 4. The Clerk and Sheriff shall, on the first Monday of each month, pay over to the County Treasurer all moneys received by them as fees or charges for official services during the preceding month, taking the Treasurer's receipt for the same, designating in the receipt in what month said money was collected, said receipt to be filed with the County Auditor, taking his quietus for the same. The Treasurer and Auditor shall register said receipt in the county register of receipts, as in other cases where the law requires registration.

Sec. 5. Said Clerk and Sheriff shall make report, under oath, to the Board of County Commissioners of their respective counties, on the third day of each regular term of said Board, of all official fees and charges made either by themselves or deputies during the preceding three months, giving the name of each person charged with fees, and amount charged, the amount collected, and from whom, deducting the amount paid from the amount charged, showing the amount of fees in the aggregate remaining unpaid. Said report shall be examined by said Board, and if adjudged to be correct, and in full compliance with this act, shall order the same to be recorded on their order book, with an order of said Board approving said reports as being correct; if, however, said Board have reason to believe that said reports, or either of them, are incorrect, they shall make an order disapproving the same.

Sec. 6. Any Clerk or Sheriff who shall make any false report, or fail, or refuse to report as required by this act, shall be guilty of a misdemeanor, and upon conviction thereof by any Court having competent jurisdiction, shall be fined in any sum not less than five hundred dollars, nor more than five thousand dollars, to which may be added imprisonment in the county jail for any term not exceeding thirty days.

Sec. 7. In addition to the annual salaries allowed the Clerk and Sheriff, as provided in the first section of this act, they shall be allowed fifteen per cent. on all fees collected for their official services which shall have been paid into the County Treasury in pursuance of section four of this act.

Sec. 8. The Board of County Commissioners are hereby required, at each of their regular meetings, to make an order allowing the officers named in the first section of this act, one-fourth of the salary of each officer as provided for in this act: *Provided, however,* That the allowance shall be withheld from the Clerk and Sheriff in case the report should not be made in strict accordance with the provisions of this act.

Sec. 9. The Auditor and Treasurer are prohibited from charging fees in any case whatever, except as provided for in this act, and the salary and amount allowed for clerk or deputies, shall be in full for all services performed by said officers in their official capacity.

Sec. 10. *Be it further enacted,* That for the purpose of ascertaining the amount to be allowed county officers for the employment of clerks or deputies, as provided for in this act, the Board of County Commissioners shall in all cases be governed by registration of legal voters at the last annual election.

Sec. 11. *Be it further enacted.* That this act shall take effect and be in force from and after the first Monday in June, A. D. 1869, and that all laws and parts of laws coming in conflict with the provisions of this act, are hereby repealed.

Mr. Stewart, of Rush, moved that House bill No. 78, with pending amendments be made the special order for Tuesday next at 11 o'clock.

Which was agreed to.

House bill No. 146. "A bill requiring Trustees to examine the dockets of Justices of the Peace, as to their delinquency in paying over fines to the proper officer."

Which was read a second time, ordered engrossed, and passed to a third reading on to-morrow.

House joint resolution No. 7. A joint resolution instructing our Senators, and requesting our Representatives in Congress, to secure the passage of a law granting to soldiers of the Federal army, in the late rebellion, land warrants.

Which was read a second time, amendments adopted, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 178. A bill amending section 5 of an act entitled an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act, approved February 18, 1859, and prescribing the time of electing Township Trustees, and declaring an emergency.

Which was read a second time, and ordered to be engrossed.

House bill No. 179. A bill repealing section one of an act entitled an act prescribing the number, and defining the powers and duties of Constables, approved May 27, 1852, and prescribing the time of electing the same, and declaring an emergency.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 96. "A bill authorizing married women to effect insurance upon the lives of their husbands, exempting the proceeds of the same from the claims of the representatives and creditors of the husband, where the annual premium does not exceed three hundred dollars."

Which was read a second time.

Section 1.—"That a policy of insurance on the life of any person, to be for the benefit of any married woman, or a policy assigned, transferred, or made payable to any married woman, whether procured by herself, her husband, or any other person, shall inure to her separate use and benefit and that of her children, independently of her husband or his creditors; and in like manner, in all other cases, the policy of insurance shall inure wholly to the benefit of the person or persons for whose benefit such policy was issued, assigned or transferred. *Provided*, that nothing herein shall prevent the transfer of such policy of insurance. And, *Provided further*, that the amount of premium paid from the funds of the husband does not exceed three hundred dollars per annum.

Sec. 2.—It is declared that an emergency exists for the immediate taking effect of this act; therefore, the same shall be in force from and after its passage.

Mr. Coffroth moved to refer the bill and amendments to the Committee on Insurance, with instructions.

Which was agreed to.

Mr. Underwood obtained leave of absence for the remainder of the evening.

Mr. McFadin moved to take up House bill No. 100.

Which was agreed to.

House bill No. 100. A bill to amend the 10th section of an act, providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1865, was taken up, with amendments.

Mr. Williams, of Knox, by consent, withdrew the amendments previously offered by him.

The question being on the engrossment of the bill.

It was so ordered.

Mr. Johnson, of Parke, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER:

Your committee have carefully compared engrossed House bill No. 143, and find the same properly engrossed in every respect.

House bill No. 165. "A bill providing for a Geological Survey of the State, and for the preservation of a Geological and Mineralogical Cabinet, and creating the office of State Geologist.

Which was read a second time, with the amendments.

The question being on concurring in the amendments.

They were agreed to.

Mr. Furnas moved that the bill be ordered to be engrossed for a third reading, on to-morrow.

Which was agreed to.

Mr. Cory moved that the order of business be suspended in order to take up the following Senate Message and concurrent resolution :

Which was agreed to.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution: Inviting the Rev. B. C. Hobbs, Superintendent of Public Instruction, to address the General Assembly on the "Educational Institutions of the State," next Monday evening, at 7 o'clock p. m., in the Hall of Representatives. In which the House is respectfully requested to concur.

Senate concurrent resolution, inviting Rev. Barnabas C. Hobbs, Superintendent of Public Instruction, to address the General Assembly on the "Educational Institutions of the State," Monday evening next, at 7 o'clock.

The question being on concurring in the resolution of the Senate.

It was agreed to.

Ordered, That the Clerk inform the Senate thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 17, entitled, "An act to regulate the Sale of Patent Rights, and to prevent frauds in connection therewith."

Engrossed Senate bill No. 17, "A bill to regulate the Sale of Patent rights, and to prevent frauds in connection therewith."

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Neff, the House adjourned.

MONDAY AFTERNOON, 2½ o'clock, }
January 16, 1869. }

The House met.

ORDERS OF THE DAY.

MESSAGES FROM THE SENATE.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed

Senate bill No. 56. Entitled an act to amend sections 133 and 134 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852. Also,

Senate bill No. 67. Entitled an act to amend section 5 of an act entitled "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.

In which the concurrence of the House is respectfully requested.

Engrossed Senate bill No. 56. An act to amend sections 133 and 134 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time, and passed to a second reading.

Engrossed Senate bill No. 67. An act to amend section 5 of an act entitled "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.

Which was read a first time, and passed to a second reading.

MR SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate joint resolution No. 7, entitled "A Joint Resolution requesting our Representatives and instructing our Senators in Congress to use their influence and vote for the repeal of the Tenure of office law." Also,

Senate bill No. 138. Entitled "An act to amend the second section of an act entitled an act to amend the 14th and 18th sections of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the Common Pleas Courts returnable to such terms; and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, approved May 11, 1861.

In which the concurrence of the House is requested. Also,

Concurrent Resolution to furnish certain employees of the General Assembly once copy each of the Adjutant General's Reports.

In which the House is requested to concur.

Engrossed Senate bill No. 138. A bill to amend the second section of an act entitled an act to amend the fourteenth and eighteenth sections of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859. Approved May 11, 1867.

Which was read a first time, and passed to a second reading.

Senate Joint Resolution No. 7. A Joint Resolution requesting our Representatives, and instructing our Senators in Congress to use their influence and votes for the repeal of the Tenure-of-Office law.

Which was read a first time, and passed to a second reading.

Senate Concurrent Resolution requiring the Auditor of State to make certain exhibits in his future annual reports of the amount of Federal taxes paid by the citizens of this State.

Which was concurred in.

Resolved by the Senate, (the House of Representatives concurring,)
That the State Librarian be directed to furnish to each of the employees of the General Assembly who have served in the army or navy for the suppression of the late rebellion, one copy of each volume of the Adjutant General's Report, that may remain unappropriated.

The question being on the adoption of the resolution.

Mr. McFadin offered the following amendment:

Amend by giving one copy to each of the employees of the General Assembly.

Mr. Pierce of Porter, offered the following amendment:

Amend by saying, an equal number of the Reports to be distributed to each county, through the members of the General Assembly.

Which was agreed to.

Mr. Dittmore moved to lay the resolution and amendment on the table.

Which was not agreed to.

The question recurring on the motion by Mr. McFadin.

It was not agreed to.

The question being on the adoption of the resolution as amended.

It was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed concurrent resolution "Instructing the Trustees of the Northern Penitentiary to pay Louis R. Skinner, certain monies."

Also Joint Resolution No. 10, "Instructing our Senators and requesting our Representatives in Congress to use their influence and vote against any measure to legalize coin contracts until the United States shall redeem its treasury notes in coin."

In which the concurrence of the House is requested.

Senate Joint Resolution No. 10. Instructing our Senators and requesting our Representatives in Congress to use their influence and vote against any measure to legalize coin contracts until the United States shall redeem "its treasury notes in coin."

Which was read a first time, and passed to a second reading.

Senate concurrent resolution, instructing the Trustees of the Northern Penitentiary to pay Lewis R. Skinner certain monies.

The question being on the adoption of this resolution.

It was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed concurrent resolution, "Requiring the Auditor of State to make certain exhibits in his future annual reports, showing the amount of Federal taxes paid by the citizens of this State."

Also Joint Resolution No. 9, entitled a Joint Resolution for creating another Judicial District, for the District Court of the United States in Southern Indiana.

In which the concurrence of the House is respectfully requested.

Senate Joint Resolution No. 9. A Joint Resolution for creating another Judicial District Court of the United States in Southern Indiana.

Which was read a first time.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate Bill No. 48, entitled an act providing for the protection of the banks of water courses by securing the bushes growing along said banks, from the ravages of stock.

Also Senate bill No. 73. Entitled an act to amend an act entitled an act to amend section 352 of an act to revise, simplify,

and abridge, the rules, practice, pleadings and forms, in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of Justice, without distinction between law and equity, approved, March 9th, 1861.

Also Senate bill No. 77. Entitled an act to amend the 53d section of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and defining their duties, passed June 11th, 1852.

In which the concurrence of the House is respectfully requested.

Engrossed Senate bill No. 77. A bill to amend section 533 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties, approved June 11th, 1852.

Which was read a first time and referred to the Committee on Corporations.

Engrossed Senate bill No. 73. A bill to amend section 352 of an act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, without distinction between law and equity, approved June, 1852; approved March 9th, 1861.

Which was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 48. An act providing for the protection of the banks of water courses, by securing the bushes growing along said banks, from the ravages of stock.

Which was read a first time, and passed to a second reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate bill No. 94, entitled an act touching the consolidation of Railroads and declaring the effect of such consolidation.

Also Senate bill No. 123, entitled an act to amend the 17th section of the act entitled an act providing for the organization of County Boards, approved June 17th, 1852.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Joint Resolution No. 12, entitled "A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of an act for the adjustment of claims due Mary Burres, a resident of Martin county, State of Indiana, widow of Charles Burres, deceased, late private of Co. B, 80th Regiment Indiana Volunteers, Infantry.

In which the concurrence of the House is respectfully requested.

Senate Joint Resolution No. 12. "A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of an act for the adjustment of claims due Mary Burres, a resident of Martin county, State of Indiana, widow of Charles Burres, deceased, late private of Co. B, 80th Reg't, Indiana Volunteer, Infantry.

Which was read a first time and passed to a second reading.

Engrossed Senate bill No. 94. A bill touching the consolidation of railroads, and declaring the effect of such consolidations.

Which was read a first time, and referred to the Committee on Railroads.

Engrossed Senate bill No. 123. A bill to amend the 17th section of the act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a first time and passed to a second reading.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 81, entitled "An act to legalize the appraisement of the real estate of the State of Indiana made in the year 1864, and declaring an emergency."

Also, Senate bill No. 115, entitled an act to amend the 49th section of an act entitled "An act to provide for the opening, vacating, and change of highways," approved June 17, 1852, as amended by an act approved March 9, 1861.

In which the concurrence of the House is respectfully requested.

Engrossed Senate bill No. 81. A bill to legalize the appraisement of the real estate of the State of Indiana, made in the year 1861, and declaring an emergency.

Was read a first time and referred to Committee on the Judiciary.

Engrossed Senate bill No. 115. A bill to amend the forty-ninth section of an act entitled "An act to provide for the opening, vacating and change of highways," approved March 9, 1861.

Was read a first time and referred to the Committee on Roads.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 116, entitled "An act to prohibit any member of the Board of County Commissioners from acting in any other capacity, under or by virtue of any appointment from such Board than as one of such Commissioners, and repealing all laws in conflict with this act, and declaring an emergency."

Also, Senate bill No. 119, entitled "A bill to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency."

In which the concurrence of the House is respectfully requested.

Engrossed Senate bill No 116. A bill to prohibit any member of the Board of County Commissioners from acting in any other capacity under or by virtue of any appointment from such Board than as one of such Commissioners, and repealing all laws in conflict with this act, and declaring an emergency.

Was read a first time, and referred to the Committee on County and Township Business.

Senate bill No. 119. A bill to fix the times of holding the Courts

of Common Pleas in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Was read a first time and passed to a second reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 27, entitled "an act authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph River at or near Bristol."

Also Senate bill No. 96, entitled "an act prohibiting Supreme, Circuit, and Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Common Pleas Courts, Auditors, Treasurers, Records, Sheriffs, and their deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation of this act."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 27. A bill authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph River at or near Bristol.

Which was read a first time, and passed to a second reading.

Engrossed Senate bill No. 96, entitled "a bill prohibiting Supreme, Circuit, or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Court of Common Pleas, Auditors, Treasurers, Records, Sheriffs, and deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof."

Which was read a first time, and passed to a second reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 142, entitled "a bill to revise and amend section 5 of the County Surveyor's act."

In which the House is respectfully requested to concur.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 222, entitled "an act to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency."

In which the House is respectfully requested to concur.

Engrossed Senate bill No. 222. An act to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed "Concurrent Resolution of thanks to the citizens of Terre Haute."

In which the House is respectfully requested to concur.

Senate Concurrent Resolution. A concurrent resolution of thanks to the citizens of Terre Haute.

Was read and passed the House.

House bill No. 244. A bill to amend the sixth^{*} section of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a second time, and ordered engrossed to a third reading.

HOUSE BILLS ON THIRD READING.

House bill No. 30. "A bill to amend section 9 of an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Bobo, Breckinridge, Buskirk, Calvert, Carnahan, Coffroth, Cotton, Cory, Cox, Cunningham, Davidson, Davis, Dittemore, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hamilton, Higgins, Hutchings, Hyatt, Johnson of Marshall, Kercheval, Lamborn, Logan, McBride, McFadin, McGregor, Millekan, Miller, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—68.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 29. "A bill to legalize the tax assessments for the year 1868, in certain incorporated cities."

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Bobo, Breckinridge, Calvert, Carnahan, Coffroth, Cory, Cotton, Field of Lake, Field of Lagrange, Fuller, Higgins, Hutchings, Hyatt, Johnson of Marshall, Kercheval, Lamborn, Logan, McBride, McFadin, Millekan, Miller, Mock, Monroe, Odell, Pierce of Vigo, Shoaff, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vater, Welborn, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Beatty, Britton, Buskirk, Cox, Cunningham, Davidson, Davis, Dittemore, McGregor, Mitchell, Neff, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Skidmore, Smith, Taber, Tebbs, Williams of Hamilton, Williams of Union and Zollars—23.

So the bill failed to pass for want of a consitutional majority.

Engrossed House bill No. 35. A bill fixing the fees of grand and pettit jurors, and repealing all acts in conflict therewith.

Which was read a third time.

The question being, shall the bill pass?

Mr. Buskirk moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Carnahan, Coffroth, Cunningham, Davis, Dittemore, Field of Lagrange, Gilham, Greene, Johnson of Marshall, Kercheval, McBride, McGregor, Mitchell, Mock, Monroe, Overmyer, Pierce of Vigo, Ruddell, Shoaff, Sabin, Skidmore, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Addison, Admire, Bobo, Britton, Buskirk, Calvert, Cory, Cotton, Cox, Davidson, Field of Lake, Fuller, Furnas, Gordon, Hamilton, Higgins, Hyatt, Lamborn, Logan, Mason, McFadin, Millekan, Miller, Neff, Odell, Osborn, Pierce of Porter, Ratliff, Sleeth, Smith, Stephenson, Stewart of Ohio, Welborn, Wildman, Williams of Hamilton and Zenor—36.

So the bill failed to pass for want of a constitutional majority.

Engrossed House bill No. 84. A bill regulating the fees of members of the State Board of Education.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Beatty, Beeler, Breckinridge, Britton, Buskirk, Calvert, Coffroth, Cotton, Cox, Davidson, Davis, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hamilton, Higgins, Hyatt, Johnson of Parke, Kercheval, Logan, Mason, McBride, McFadin, Millekan, Miller, Mitchell, Mock, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Stephenson, Stewart of Rush, Sunman, Taber, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Zollars and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Addison, Carnahan, Cory, Cunningham, Dittimore, Field of Lake, Greene, McGregor, Odell, Smith, Tebbs and Zenor—13.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 21. A bill regulating docket fees of Prosecuting Attorneys in Circuit Courts, and District Attorneys in Courts of Common Pleas and before Justices of the Peace, and fixing the salary of District Attorneys and regulating the fees of Prosecuting and District Attorneys in prosecutions on forfeited recognizances.

Which was read a third time.

The question being, shall the bill pass?

Mr. Zollars offered the following resolution :

Resolved, That the bill be referred back to the Committee on Fees and Salaries, with instructions to strike out all that portion relating to District Attorneys.

Which was laid on the table.

Mr. Odell moved to lay the motion of Mr. Zollars on the table.

Which was agreed to.

Mr. Vater moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered. .

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Admire, Beatty, Bobo, Breckinridge, Carnahan, Coffroth, Davis, Dittemore, Gordon, Higgins, Johnson of Parke, McGregor, Mitchell, Odell, Pierce of Vigo, Ratliff, Sleeth, Welborn and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Addison, Baker, Beeler, Bowen, Britton, Buskirk, Calvert, Chittenden, Cory, Cotton, Cox, Davidson, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hyatt, Kercheval, Lamborn, Logan, Mason, McBride, McFadin, Millekan, Miller, Mock, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Zollars—52.

So the bill failed to pass.

Mr. Hall offered the following preamble and resolution :

WHEREAS, General G. D. Wagner, late a Brigadier General in the Union army, and an honored citizen of this State, died at the Bates House in this city, on Saturday evening; and,

WHEREAS, His remains will be conveyed from this city to his late home in Warren county, Indiana, on to-morrow; therefore,

Resolved, By the House of Representatives, the Senate concurring, that both Houses of this General Assembly will, in honor of the memory of the distinguished General who has just died, adjourn at half-past ten o'clock to-morrow, and in a body accompany his remains to the Union Depot.

Which was concurred in.

Mr. Stephenson asked and obtained leave of absence for Mr. Dunn.

Mr. Hutson obtained leave of absence, for to-day.

Mr. Pierce, of Porter, asked and obtained leave of absence for the Committee on Benevolent Institutions, till 3 o'clock to-morrow.

Engrossed House bill No. 46 entitled, "A bill to legalize the sales of Seminary Lands in Jasper county."

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chittenden, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hyatt, Johnson of Park, Laniborn, Logan, Mason, McBride, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Neff Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr Speaker—69.

Mr. Coffroth voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 12. A bill to amend section 5 of an act entitled, "An act to provide for the equalization of the appraisement of real estate of the State of Indiana," approved May 28, 1852.

Which was read a third time.

Mr. Underwood moved to "Strike out county seat of Franklin county, and insert county seat of Fayette county."

Which was agreed to.

Mr. Coffroth offered the following amendment, "Strike out words 'the county seat of,' and insert Kendallville."

Which was adopted.

The question being, shall the bill pass?

Mr. Zollars moved to recommit the bill to the Committee on Ways and Means.

Which was not agreed to.

The question recurring on the passage of the bill as amended.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hyatt, Johnson of Parke, Kercheval, Lamborn, Logan, Mason, McBride, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—74.

Mr. Zollars voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 38. "A bill declaring certain contracts made by, or with common carriers void."

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Beatty, Beeler, Bowen, Breekinridge, Buskirk, Calvert, Carnahan, Chittenden, Cox, Cunningham, Davidson, Davis, Dittemore, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hyatt, Johnson of Parke, Kereheval, Lamborn, Logan, Mason, McBride, McFadin, McGregor, Millekan, Mitchell, Mock, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—68.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has concurred in House concurrent resolution in relation to attending the funeral of Gen. Geo. D. Wagner.

Resolved, That inasmuch as this, the 15th day of February, 1869, is the 35th anniversary of the birth of our Honorable Speaker, we will out of respect for the same adjourn.

On motion the House adjourned.

TUESDAY MORNING. 9½ o'clock, }
February 16, 1869.

The House met.

Mr. Hamilton moved that the reading of the journal be dispensed with.

It was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Underwood presented a petition from citizens of Wayne county, asking a department of Homeopathy in the State University.

Which was referred to the Committee on Rights and Privileges.

Mr. Welborn presented a petition from a number of citizens of Floyd county, praying for the establishment of a Homeopathic Professorship, in the proposed Medical College in Indianapolis.

Which was referred to the Committee on Rights and Privileges.

Mr. Hamilton presented a petition from citizens of Vigo county, asking a department of Homeopathy in the State University.

Which was referred to the Committee on Rights and Privileges.

Mr. Admire presented a petition, signed by sundry citizens, praying for a Homeopathic department in the proposed Medical College in the City of Indianapolis.

Which was referred to the Committee on Rights and Privileges.

Mr. Monroe presented a petition from the citizens of Madison, Indiana, asking the repeal of the law chartering the Madison Gas Company.

Which was referred to the Committee on Cities and Towns.

Mr. Monroe presented a petition from a number of citizens of

the City of Madison, in regard to licenses charged exhibitions and shows.

Which was referred to the Committee on the Judiciary.

Mr. Monroe presented the claim of Holly Austin for \$57.75, for keeping horses supposed to belong to rebel troops, under orders issued by Col. Sering, of the Indiana Legion.

Which was referred to the Committee on Claims.

Mr. Barritt presented a petition from citizens of Bartholomew county on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Stewart, of Rush, presented a petition from citizens of Rush county on retrenchment and reform in public expenditures.

Which was referred to the Committee on Rights and Privileges.

Mr. Furnas presented a petition, signed by sundry citizens of Danville, Indiana, in regard to retrenchment and reform in public expenditures.

Which was referred to the Committee on Rights and Privileges.

Mr. Vater presented a petition from J. M. Tilford and a large number of citizens of Marion county, praying that there should be retrenchment and reform in public expenditures.

Which was referred to the Committee on Rights and Privileges.

Mr. Chittenden presented two petitions, signed by sundry citizens of Madison county, asking that a prohibitory law be enacted prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Higbee presented a petition from a number of citizens of Steuben county, praying for the passage of a law prohibiting the sale of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Admire presented a petition from citizens of Morgan and Johnson counties on the subject of retrenchment in our public expenditures.

Which was referred to the Committee on Fees and Salaries.

Mr. Stephenson presented a petition from citizens of Tipton county on the evil growing out of railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Sunman presented a petition from sundry citizens of Ripley county, praying for relief against railroad monopolies.

Which was referred to the Committee on Railroads.

Mr. Bowen presented a petition, signed by sundry citizens of Wayne county, asking for a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. McFadin presented a petition from citizens of Logansport on retrenchment in our public expenditures.

Which was referred to the Committee on Rights and Privileges.

Mr. Fairchild presented a petition, signed by sundry citizens of Carroll county, asking that the gravel road law be so amended so as to secure a *bona fide* and available subscription of at least eight hundred dollars per mile of any proposed road.

Which was referred to the Committee on Roads.

Mr. Hall presented a petition from citizens of Warren county on the subject of the education of colored children.

Which was referred to the Committee on Education.

Mr. Millekan presented a petition from a number of citizens of Knightstown, Indiana, on the subject of reform in public expenditures.

Which was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Shoemaker presented a petition from a number of citizens of Perry county, praying that the German language be taught in our Common Schools.

Which was referred to the Committee on Education.

Mr. Barnett presented a petition from citizens of Pulaski county, asking changes in the Common School Law.

Which was referred to the Committee on Education.

The Speaker laid before the House a petition signed by sundry citizens of Floyd county, asking for the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

Mr. Bobo, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 230, a bill to abolish the office of Prosecuting Attorney, and transferring all criminal business to the Circuit Courts, with certain exceptions, and repealing all laws coming in conflict herewith," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Bobo also made the following report, from the same committee:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 3, "a bill to provide for the appointment of suitable persons to hold the Court of Common Pleas during the absence of Common Pleas Judges," would respectfully report that they have considered the same, and asked leave to report the following amendment:

Strike out all after the enacting clause, and insert the following:

That whenever it shall become necessary or proper for any Court of Common Pleas in this State to hold an adjourned term, as provided in the 94th section of an act entitled "an act to fix the time of holding the Courts of Common Pleas, and the length of the terms thereof in the several Courts of this State, and repealing the former laws in reference thereto," approved March 5, 1855, and the Judge of such Court shall be unable to attend such adjourned term, by reason of his duties requiring him to be in any other county in his district, he shall have power to appoint some suitable

person, who shall be a respectable practicing attorney of this State, to attend and hold such adjourned term of such Court; and the person so appointed shall be vested with all the powers of the regular Judge of said Court during said adjourned term.

SECTION 2. The person who may be appointed, as provided in the first section of this act, shall, before entering upon the discharge of the duties of such appointment, take an oath to support the Constitution of the United States, and of the State of Indiana, and faithfully to discharge the duties of his office during the term of his appointment, which oath shall be entered upon the records of such Court.

SECTION 3. The person so appointed to hold such adjourned term shall be allowed the sum of five dollars per day for such adjourned term, to be paid out of the county treasury upon the certificate of the Clerk of said Court.

SECTION 4. It is declared that an emergency exists for the immediate taking effect of this act; therefore, this act shall take effect and be in full force from and after its passage.

And when so amended they recommend its passage.

Which report was laid on the table.

Mr. Johnston from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee to whom was referred Engrossed House Bills Nos. 42, 146, 100, 178 and 165, would report that they have carefully compared the same with the original bill, and find the same properly engrossed.

Mr. Overmyer from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 90. A bill creating the — Judicial Circuit, providing for the election of a Judge and Prosecuting Attorney thereof, and providing com-

compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of actions thereto, have had the same under consideration, and propose the following amendment, and when the bill is so amended recommend its passage.

Strike out all after the line 20, in the first section, and insert the following: "And the Judges and Prosecuting Attorneys, Clerks and Sheriffs aforesaid, shall receive the same salaries and fees allowed by law, to the Judges, Prosecuting Attorneys, Clerks and Sheriffs of the Circuit Courts."

Which report was laid on the table.

Mr. Johnson from the Committee on Engrossed Bills and Joint Resolutions, made the following report :

MR. SPEAKER :

Your Committee would respectfully report that they have compared Joint Resolution No. 7, as engrossed, with the original Joint Resolution No. 7, of the House and find it correct with the amendments thereto.

Mr. Johnson from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee would respectfully report that they have compared Engrossed Bill No. 37, with the original House bill No. 37, and find the same correct.

Mr. Welborn from the Committee on Engrossed Bills submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills would report that they have compared engrossed House bill No. 179, with the original bill, and find it correctly engrossed.

Mr. Monroe moved that Mr. Pierce of Vigo, be added to the Special Committee of three on Railroads.

Which was agreed to.

Mr. Stephenson from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills to whom was referred House bill No. 93, have carefully compared the same with the original bill, and find it correctly engrossed.

Mr. Stephenson from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills would report that they have compared Engrossed House Bill No. 138, with the original, and find the same correctly engrossed.

Mr. Stephenson from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee would report that they have compared Engrossed Bill No. 82, with the original and find the same correct.

Mr. Stephenson from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills would report that they have compared Engrossed Bill No. 160, with the original, and find the same correct.

Mr. Stephenson from the Committee on Engrossed Bill, made the following report :

MR. SPEAKER :

Your Committee would report that they have compared Engrossed House Bill No. 5, with the original, and find the same correct.

Mr. Johnson from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared Engrossed House bill No. 149, with the original bill, and find the same properly engrossed.

Mr. Johnson from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have compared Engrossed House Bill No. 114, with the original bill, and find the same properly engrossed.

House bill No. 103. A bill declaring certain contracts to pay attorneys fees void.

The question being on concurring in the minority report of the Committee, recommending the passage of the bill without amendment.

Mr. Vater moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put.

It was so ordered.

The hour of ten and a-half o'clock having arrived, being the hour fixed by the General Assembly for attending the funeral of General Wagner.

The Speaker declared the House adjourned.

TUESDAY, 2 O'CLOCK P. M

The House met.

Pending the adjournment, was the question on concurring in the minority report of the Committee on House bill No. 103.

Messrs. Osborn and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Carnahan, Cave, Chittenden, Coffroth, Cotton, Cox, Davidson, Davis, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Hyatt, Jump, Kereheval, Lawler, Lamborn, Logan, McBride, McFadin, Millekan, Miller, Miles, Mock, Montgomery, Neff, Osborn, Overmyer, Ratliff, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of St. Joseph and Williams of Union—53.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Breckinridge, Buskirk, Calvert, Chapman, Dittimore, Dunn, Fairchild, Gordon, Higbee, Higgins, Hutchings, Johnson of Montgomery, Johnson of Parke, Mason, Mitchell, Monroe, Odell, Ruddell, Sleeth, Stewart of Ohio, Vater, Williams of Hamilton, Wilson, Zenor, Zollars and Mr. Speaker—29.

So the report was concurred in.

Mr. Osborn moved that the bill be ordered engrossed, and passed to a third reading.

which was agreed to.

Mr. Mitchell from the Committee on Enrolled Bills, made the following report ;

MR. SPEAKER:

The Committee to whom was referred House bill No. 10, have had the same carefully compared with the original bill, and find it correctly enrolled.

Mr. Stephenson from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee report that they have carefully compared Engrossed House bill No. 244 with the original, and find the same correct.

Mr. Stephenson from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, report that they have compared engrossed bill No. 103 with the original, and find the same correct.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 130, the same was taken up.

House bill No. 130. "A bill making an appropriation for the completion of the State Normal School building."

Which was read a second time.

Mr. Osborn moved that the bill be re-committed to the Committee on Education.

Mr. Dittmore moved to lay the motion on the table.

Which was agreed to.

Mr. Bobo moved to re-commit the bill to the Committee on Ways and Means.

Mr. Ratliff moved to lay the motion on the table.

Which was agreed to.

Mr. Vater moved that the bill be ordered engrossed, and passed to a third reading.

Mr. Johnson of Parke, moved to strike out one hundred and insert fifty wherever it occurs in the bill.

Pending the discussion,

On motion by Mr. Pierce of Porter, the House adjourned.

WEDNESDAY MORNING, 9½ o'clock, }
February 17, 1869. }

The House met.

Mr. Johnson moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal of yesterday was read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Sabin, from the Committee on Claims, submitted the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of the State Board of Agriculture for \$1,629 13 for office rent from January 10, 1864, to March 27, 1867, for expenses of moving office and safe, and for repairs and fixtures in present office of said Board, have had the same under consideration, and have instructed me to report the same back and recommend its allowance, and that the Committee on Ways and Means be instructed to incorporate it in the specific appropriation bill.

Which was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of J. G. Houts, late Quartermaster of the First Regiment Indiana Legion, for \$250 for 89 days' services in collecting the arms and accoutrements belonging to the State, in Posey county, have had the same under consideration, and have instructed me to report the same back and recommend the allowance thereof, and that the Committee on Ways

and Means be instructed to incorporate the same in the specific appropriation bill.

Which report was concurred in.

Mr. Stewart, from the Committee on Senate bill No. 94, made the following report :

MR. SPEAKER :

Your Committee on Railroads, to whom was referred Senate bill No. 94, "A bill touching the consolidation of railroads and declaring the effect of such consolidation, have instructed me to report the same to the House with the following amendment as an additional section :

SEC. —. Nothing in this act, or in any of its provisions, shall be so construed as to release any Railroad Company in this State from any obligation imposed by its charter, or other act of the Legislature, to account to and pay over to the School Fund any of its surplus earnings or other profits, but all the liabilities of such roads shall remain after the passage of this act in as full effect as though the same had not been passed—and when so amended recommend its passage.

Which was laid on the table.

Mr. Stewart, of Rush, from the Committee on Railroads, made the following report :

MR. SPEAKER :

Your Committee on Railroads, to whom was referred House bill No. 246, a bill to enable railroad companies to issue bonds, to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds, have had the same under consideration, and instructed me to report the same back, with the following amendment :

Amend first section by striking out the words "first and preferred," and when so amended, recommend its passage.

Which report was laid on the table.

Mr. Millekan, from the Committee on Roads, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 79, entitled "An act to provide for the erection and repair of bridges, and to repeal all laws inconsistent therewith," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which was laid on the table.

Mr. Stewart, of Ohio, from the Committee on Printing, made the following report :

MR. SPEAKER :

Your Committee on Printing, to whom was referred House bill No. 157, a bill to regulate the publication of legal advertisements, beg leave to report that they have had said bill under consideration, and now report the same back, and recommend its passage.

Which was laid on the table.

Mr. Skidmore, from the Committee on Public Printing, made the following report :

MR. SPEAKER :

The Committee on Public Printing, to whom was referred House bill No. 122, a bill requiring the State Printer to fix the cost of printing, binding and material for the use of the State on the title page thereof, fixing a penalty, and declaring an emergency, have had the same under consideration, and direct me to report back the same, and recommend its passage.

Which report was laid on the table.

Mr. Osborn presented the claims of the witnesses before the special railroad committee.

Which was referred to the Committee on Claims.

Mr. Osborn, from the special Railroad Committee, made the following report :

MR. SPEAKER :

The committee have had under consideration the reports of a

special committee appointed by the Governor, to investigate the matter of Taxes due from the Louisville, New Albany and Chicago Railroad, and have directed me to report, that the suit instituted heretofore by the Attorney General, was dismissed by the Attorney General, on account of legislation had in 1865, which was believed by some to settle the question, and the suit was therefore dismissed. The committee are of the opinion that the act referred to does not exempt the road from the payment of taxes, and if it did, it would be unconstitutional, and therefore they recommend the passage of the accompanying bill:

House bill No. —. A bill authorizing the Governor to institute suits against railroad companies, which have not paid the taxes due, and making an appropriation therefor, and declaring an emergency for the immediate taking effect of the act.

Which report was laid on the table.

Mr. Furnas, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 168, entitled, "A bill for the encouragement of the destruction of wild cats and foxes," beg leave to return the same, and recommend that it be put upon its passage.

Which report was laid on the table.

Mr. Stewart, of Ohio, from the special committee made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 75 "A bill to fix the length of the terms of the Court in the First Judicial Circuit," beg leave to report, that they have had said bill under consideration, and now report the same back, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Kercheval presented a petition from sundry citizens of Spencer county, asking for some change in the present law, by which the inmates of the poor houses of the State may be better provided for.

Which was referred to the Committee on Benevolent and Scientific Institutions.

Mr. Cory, from the Committee on Agricultural College, made the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 172 entitled, "A bill creating, establishing and locating, and providing for the maintenance of the Indiana College of Agriculture and the Mechanic Arts, and providing a Board of Trustees therefor, and declaring an emergency," have had the same under consideration, and instructed me to report the same to the House, with the following amendments, and, when so amended, recommend its passage:

Amend section 2, by striking out all after the words "Congressional Districts," in sixth line, and insert the following: "By the Governor, who shall, in making such selections and appointments, make an equal division of the Board, as nearly as possible, between the two principal political parties."

Amend section 9, by striking out the word "ten," in second line, and inserting "fifteen."

Strike out sections 12 and 13, and insert :

Section —. The Board of Trustees shall annually make a full and complete report to the Governor of all their transactions, giving a detailed statement of all expenses for whatever purpose, and making a full and complete exhibit of all matters pertaining to the College, which reports shall be printed and laid before the General Assembly, at each regular session thereof.

Also section —. For the purpose of procuring an eligible site and necessary adjacent lands for the purposes of said College, at as reasonable price as possible, the said Board of Trustees are hereby authorized, by themselves or their proper officers, to select such eligible site, and if the owner or owners thereof shall refuse to sell and convey the same to the aforesaid Board of Trustees, for the use of said Agricultural and Mechanical College, then the Board may select a disinterested appraiser, and, upon due notice to the owner or owners thereof, which notice shall be issued by a Justice of the Peace, in and for the county in which said site may be located, on the application of said Board or their proper officer,

and be served and returned as other process, by a constable, within five days thereafter. Such owner or owners shall, in like manner, select a disinterested appraiser, and the two thus selected shall select a third appraiser, and each shall be duly sworn to appraise such lands selected as aforesaid at their fair cash value, and a true return thereof to make; then if said Board will tender and pay such appraised value, or if the said owner or owners shall refuse to select an appraiser, or after appraisement shall refuse to accept the same and convey and warrant said lands to said corporation, then the said corporation may select *two* disinterested men, and they a third, and the three thus selected shall at once proceed to appraise said lands so selected, in the manner hereinbefore provided; and should the owner or owners of said lands then refuse to accept the value of said lands as established by said appraisement, the said Board of Trustees may enter upon and take possession of said lands, so soon as the crop growing thereon may be removed, and appropriate the same to the use of said College. And such Justice shall certify such tender and refusal by such owner or owners, to the Circuit Court of said county, and a Commissioner shall be appointed by said Court to convey the said lands so appraised to said corporation by deed, which conveyance shall divest such owner or owners, and invest said corporation with complete and full title thereto, absolutely and forever.

Add section —. For the purpose of defraying the incidental expenses of the Board of Trustees in carrying out the provisions of this act, the sum of five thousand dollars (\$5,000) is hereby appropriated from the State Treasury.

Also section —. The *per diem* of members of the Board is hereby fixed and limited to three dollars per day for each day in actual service, and ten cents per mile mileage.

Which report was laid on the table.

Mr. Cory moved to make the bill and amendments the special order for Tuesday next at 10 o'clock.

Which was agreed to.

Mr. Davis presented two petitions from the citizens of the State, asking a department of homeopathy be established in the proposed Medical School at Indianapolis.

Which was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Wile presented a petition from a number of citizens of La-porte county on the subject of a Homeopathic Professorship in the proposed Medical College.

Which was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Higbee, from Kosciusko county, presented a petition from citizens of Kosciusko county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Admire, of Morgan and Johnson, presented a petition from citizens of Johnson, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Bowen presented a petition from a number of citizens of Wayne county, asking the passage of a prohibitory liquor law

Which was referred to the Committee on Temperance.

Mr. Furnas presented a petition signed by sundry citizens, asking for a Homeopathic Department in the proposed Medical College, in connection with the State University at Bloomington, Ind.

Which was referred to the Committee on Rights and Privileges.

Mr. Vardeman presented a petition signed by sundry citizens of Randolph county, asking for the erection of a suitable prison for women and a girl's reformatory.

Which was referred to the Committee on Female Prisons.

Mr. Williams presented a petition signed by sundry citizens, asking for a Homeopathic Department in the proposed Medical School in connection with the State University at Bloomington, Indiana.

Which was referred to the Committee on Rights and Privileges.

Mr. Zollars presented a petition from the Mayor of the City of Fort Wayne, asking the Legislature to grant the said City of Fort Wayne authority to sell certain lands.

Which was referred to the Committee on Corporations.

Mr. Buskirk presented the claims of John I. Morrison and others for services as a member of the Morgan Raid Commission.

Which was referred to the Committee on Claims.

Mr. Coffroth, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 33, an act for the relief of the widow and minor heirs of John P. Dunn, deceased, have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Mitchell, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee to whom was recommitted House bill No. 159, "A bill to amend section 10 of an act to authorize and limit allowance by Courts and Boards, and drafts upon county treasurers, and declaring an emergency," have carefully considered the same, and submit the accompanying substitute with the same title and recommend its passage.

Which report was laid on the table.

Mr. Wilson from the Judiciary Committee, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House bill No. 223, An act to repeal sections 445, 446, 447, 448, 449, 450, 451, 455 and 456, and to amend section 453 of an act antititled "An act to revise, simply, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in.

INTRODUCTION OF BILLS AND RESOLUTIONS.

Mr. Cunningham introduced

House bill No. 253. A bill to amend sections one and four of

an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Wilson offered the following preamble and resolution :

WHEREAS, There is a mistake in Senate bill No. 178, which has passed both Houses of the Legislature, and has been sent to the Governor for his approval, therefore,

Resolved, By the House of Representatives, the Senate concurring, that said bill be recalled for the correction of said mistake.

Which was agreed to.

Mr. Davidson offered the following resolution :

Resolved, That this House will not entertain a motion to adjourn longer than from day to day, Sundays excepted, during the remainder of this session, and that no member shall be excused or allowed to absent himself from the regular meetings of this House, unless on account of sickness of himself or family. Be it further

Resolved, That this House will hold at least one night session each week during the remainder of the session of the present Legislature.

Which resolution was laid on the table.

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }
Indianapolis, February 16, 1869. }

Hon. A. P. Stanton, Speaker of House of Representatives :

DEAR SIR:—Allow me to transmit through you to the members and officers of the House of Representatives, an invitation to attend an exhibition of music and other appropriate exercises by the pupils of this Institution, to be given to-morrow, (Wednesday evening,) the 17th inst., at 7½ o'clock, in the chapel of the Institute building.

And oblige,

Yours very respectfully,

W. H. CHURCHMAN,

Superintendent.

Mr. Davis introduced

House bill No. 254. A bill to establish the Twenty-Sixth Common Pleas District, composed of the counties of Elkhart, Kosciusko and Whitley; to provide for the election of a Judge, and fixing the time of holding the Courts in said counties, and other matters therewith connected.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dittmore introduced

House bill No. 255, entitled a bill to save pending suits affected by the passage of an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof, approved May 31, 1852, approved December 21, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dunn introduced

House bill No. 256. A bill to district the State for the purpose of electing five Judges of the Supreme Court at and after the general elections for the year 1870.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Pierce, of Vigo, introduced

House bill No. 257. A bill to amend section one of an act entitled "an act providing for the election or appointment of Supervisors of Highways, and prescribing the time of electing the same, and declaring an emergency."

Which was read a first time, and passed to a second reading.

Mr. Palmer, from the Committee on Elections, introduced

House bill No. 258. A bill to amend section 20 of an act entitled "an act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. Fairchild introduced

House bill No. 259, entitled "a bill to amend an act entitled 'an act to provide for the protection of fish, defining the time in which the same may be netted, trapped or seined, affixing the penalty for the violation of this act, and declaring an emergency.'"

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Field, of Lake, introduced

House bill No. 260. A bill to provide for the publication of the proceedings of County Commissioners, including the reports of Township Trustees, the reports of Grand Juries, the official vote of all elections in such county, in at least two newspapers of each county in which such business shall occur, and in which such vote shall be made, repealing all laws in conflict herewith, and declaring an emergency.

Which was read a first time, and referred to the Committee on Printing.

Mr. Furnas introduced

House bill No. 261, entitled a bill to make a specific appropriation to the House of Refuge.

Which was read a first time, and passed to a second reading:

Mr. Gordon offered the following:

Resolved, That hereafter no member of this House shall be allowed to speak on any bill, resolution, or motion, without the unanimous consent of the House.

Which, on motion, was laid on the table.

Mr. Green introduced

House bill No. 262. A bill to amend sections 3 and 80 of an act approved March 9, 1863, to provide for the inspection of petroleum oil for illuminating purposes, marking and branding the same, prescribing the penalty for selling without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act, for the appointment of inspectors and deputies, and terms of office, and imposing penal-

ties for inspectors or deputies trading in any article they are appointed to inspect.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Kercheval introduced

House bill No. 263, entitled a bill to repeal an act approved March 11, 1867, entitled an act to revise and amend the sixth section of an act entitled "an act to grant to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 29, 1845.

Which was read a first time, and referred to the Committee on Elections.

Mr. Lamborn introduced

House bill No. 264. A bill for the repeal of the death penalty, and to promote the cause of humanity and justice in the State.

Which was read a first time, and referred to a select committee of five.

Mr. Mason introduced

House bill No. 265. A bill repealing an act entitled an act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, and declaring an emergency.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. McBride offered the following preamble and resolution :

WHEREAS, The grave of the first Governor of Indiana, Jonathan Jennings, in the vicinity of Charlestown, Clarke county, Indiana, is wholly unmarked, and his resting-place almost forgotten ; and,

WHEREAS, The family and relatives of the deceased have been, and still are, unable to erect a suitable monument to his memory ; and,

WHEREAS, It is due to the distinguished dead, in view of his pioneer and patriotic devotion to the early interests of this State, that the State should mark his grave ; therefore,

Resolved, That the Judiciary Committee be instructed to report a bill to this House providing for an appropriation of \$500 to con-

struct a marble monument over said grave and inclose the same with a substantial iron fence, and providing a committee to carry into effect the above passage.

Mr. Osborn moved that the resolution be referred to a special committee of five, with instructions to consider the propriety of making appropriations to procure monuments, and devise a plan, and to report to the House.

Mr. Chittenden offered the following amendment:

Amend by adding General A. P. Hackleman.

Which was agreed to.

The question recurring on the resolution as amended,

It was agreed to.

Mr. McDonald introduced

House bill No. 266. Entitled "A bill creating a Board of Immigration, defining their duties and powers," and declaring when it shall take effect.

Read a first time, and referred to the Committee on Statistics and Emigration.

Mr. McFadin offered the following preamble and resolution:

WHEREAS, Most of the citizens of Washington and Rock Creek townships, in Carrol county, Indiana, reside the distance of twenty miles or more from Delphi, the county seat of said Carrol county, making it very inconvenient for said citizens to attend court and transact other county business, when at the same time said citizens reside within four or five miles of Logansport, the county seat of Cass county, making it much more convenient for them to transact their business there, instead of at Delphi; therefore be it

Resolved, That the Committee on County and Township Business be, and are hereby, instructed to inquire into the propriety of detaching said Washington and Rock Creek townships from said Carrol county, and report by bill or otherwise.

Which was referred to the Committee on County and Township Business.

Mr. Mitchell introduced

House bill No. 267. "A bill authorizing the Auditor of State to adopt a uniform system of book-keeping for the use of Township Trustees, and providing for the payment of the same.

Which was read a first time, and referred to the Committee on Judiciary.

Mr. Neff introduced

House bill No. 268. Entitled "A bill for the preservation of Indiana battle flags, military trophies and relics."

Which was read a first time, and passed to a second reading.

Mr. Osborn introduced

House bill No. 269. "A bill declaratory of the common law, as to the duty of railroad companies and other common carriers, in the transportation of freight, and to prevent exorbitant charges for such transportation, and providing a remedy."

Which was read a first time, and referred to the Committee on Railroads.

Mr. Pierce, of Porter, offered the following resolution :

Resolved, That the Judiciary Committee be, and are hereby, instructed to make investigation and report as to what legislation, if any, is necessary to prevent confusion regarding the laws of the State under the recent ruling of the Supreme Court in the case of ——— vs. ———, in 28th Indiana Reports, wherein it is held that the laws may be amended by setting out their title.

Which was referred to the Judiciary Committee.

Mr. Ratliff offered the following resolution :

Resolved, That no member be allowed to speak longer than ten (10) minutes at one time, unless by consent of a majority of this House.

Mr. Barritt moved to lay the resolution on the table.

Messrs. Ratliff and Gordon demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Cunningham, Dittemore, Field of

Lake, Johnson of Rush, Jump, Hutchings, McBride, McFadin, Mock, Montgomery, Neff, Pierce of Porter, Pierce of Vigo, Shoaff, Stewart of Ohio, Tebbs, Welborn, Williams of Hamilton, Wilson and Zollars—33.

Those who voted in the negative were,

Messrs. Bates, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Kercheval, Lamborn, Logan, Millean, Miller, Miles, Mitchell, Monroe, Odell, Osborn, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Stevenson, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams of Union and Zenor—51.

So the motion to lay on the table was not agreed to.

The hour of eleven o'clock having arrived, being the same for the regular order of business.

Mr. McFadin moved to suspend the order of business and proceed with the call of the roll for the introduction of bills and resolutions.

Which was not agreed to.

Mr. Zollars moved to suspend the constitutional rule requiring bills to be read on three several days, and that House bills Nos. 203 and 244, be taken up and read a second time by title, and a third time by sections, and put upon their passage.

Message from the Senate by Mr. Wilson their Secretary :

MR. SPEAKER :

I am directed by the Senate to transmit to the House the following proceedings of the Senate, had this 17th day of February, 1869.

WHEREAS, The following communication from the Secretary of the Senate has been presented to the Senate, viz. :

To the President of the Senate:

The Speaker of the House has given directions to the Doorkeeper of the House not to announce messages from the Senate while a mem-

ber of the House has the floor for debate, and on reception of reports. I desire instructions from the Senate as to the time when I shall present such messages to the House.

(Signed),

O. M. WILSON,
Sec. of Senate.

Therefore,

Resolved, That the House of Representatives be requested to receive the messages of the Senate according to the usages of Parliamentary Law.

The Speaker announced the following committee on the message :
Messrs. Coffroth, Buskirk and Osborn.

Mr. McFadin moved to lay the motion to suspend the constitutional rule on the table.

Messrs. Underwood and Baker demanded the ayes and noes.

The Clerk proceeded to call the roll, when Mr. Coffroth raised the point of order that it was not competent for the House to entertain a motion to lay a motion to suspend the constitutional rule on the table.

Which was sustained by the Speaker.

The question being shall the constitutional rule be suspended, so as to take up House bills Nos. 3, 203 and 244.

The ayes and noes were taken under the constitutional rule.

Those who voted in the affirmative were,

Messrs. Addison, Barritt, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cotton, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Johnson of Park, Jump, Kercheval, Lamborn, Logan, Mason, McDonald, Millekan, Miller, Miles, Mitchell, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Cox, Gordon, Greene, Hyatt, Johnson of Montgomery, McBride, McFadin, Mock, Montgomery and Williams of Hamilton—15.

So it was deemed expedient to suspend the Constitutional rule, and the bills were read a second time by title, and a third time by sections.

House bill No. 3 entitled "A bill to provide for the appointment of suitable persons to hold the Common Pleas Courts during the absence of Common Pleas Judges, for any part of any term of said Court, and prescribing the duties of Clerks and Sheriffs in relation to said Courts," with amendments.

The question being on the adoption of the amendments.

They were concurred in.

On motion, the bill was considered as engrossed, and read a third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Park, Jump, Lamborn, Logan, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—83.

None voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

Mr. Zollars offered the following amendment :

That the title as it stands in the substitute bill, which has been stricken out by the Judiciary Committee, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 203, entitled a bill fixing the time of holding Circuit Courts in the several counties composing the Sixth Judicial Circuit, repealing all in conflict therewith, making all process to the time fixed by this act, and regulating the transaction of business therein.

Which was read a second time.

Mr. Buskirk moved that the bill be considered as engrossed, and read a third time now.

Which was agreed to.

So the bill was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Buskirk, Calvert, Chapman, Cave, Coffroth, Cox, Cunningham, Davidson, Davis, Dittemore, Duun, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lamborn, Logan, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—80.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Cotton asked and obtained leave of absence on account of death of mother.

Mr. Wildman moved that the report of the special Committee on Railroads be taken up, and that 200 copies be ordered to be printed for the use of the House.

Which was agreed to.

Engrossed House bill No. 244. "A bill to amend the sixth section of an act to fix the time of holding Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff,

Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zoilers and Mr. Speaker—84.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed concurrent resolution inviting Prof. Daniel Read, President of Columbia College, Missouri, and formerly a professor in the State University, to deliver a lecture on the subject of Education, in the Hall of the House of Representatives, on the evening of the 17th, at 7½ o'clock.

In which the House is requested to concur.

Resolved by the Senate, (the House of Representatives concurring therein,) that Prof. Daniel Read, President of Columbia College, Missouri, formerly a professor in the State University, be invited to deliver a lecture on the subject of Education, in the Hall of the House of Representatives, on the evening of the 17th inst., at 7½ o'clock.

Which was read, and passed the House.

The question being on the adoption of the resolution.

It was agreed to.

On motion by Mr. Barritt, the House adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The House met.

The Speaker announced that he had signed Enrolled Act No. 10.

The Speaker announced that he had appointed the following Special Committee on House bill No. 264, relating to the abolition of the death penalty :

Messrs. Lamborn, Wildman, Corry, Davis and Shoaff.

The Speaker announced that he had appointed the following Special Committee on Monuments :

Messrs. Osborn, Chittenden, Stewart of Rush, Bobo, McDonald.

REGULAR ORDER OF BUSINESS.

The hour having arrived for the consideration of House bill No. 130, the same was taken up.

The question being on the amendment pending, offered by Mr. Johnson of Parke, to strike out \$100,000 wherever it appears, and insert \$50,000.

Mr. Welborn offered the following amendment to the amendment :

Amend by striking out the word "fifty thousand dollars," and inserting "seventy-five thousand dollars."

Mr. Buskirk moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

The question being on the amendments offered by Mr. Welborn.

Messrs. Johnson of Parke and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Dunn, Fairchild, Field of Lagrange, Furnas, Hamilton, Higbee, Hutson, Lamborn, Mason, Monroe, Overmyer, Pierce of Porter, Ratliff, Ruddell, Shoaff, Skidmore, Stephenson, Underwood, Vardeman, Welborn, Williams of Hamilton, Wilson and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Admire, Addison, Barritt, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittmore, Field of Lake, Fuller, Gilham, Gordon, Greene, Hall, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Logan, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Sabin, Sleeth, Smith, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Wile, Wildman, Williams of St. Joseph, Williams of Union, Zenor and Zollars—58.

So the amendment did not prevail.

The question recurring on the amendment offered by Mr. Johnson of Parke.

Messrs. Shoaff and Johnson of Parke demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bates, Bowen, Buskirk, Cave, Davidson, Dunn, Field of Lagrange, Fuller, Gordon, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborne, Mason, Monroe, Stephenson, Taber, and Williams of St. Joseph—19.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Beatty, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Cory, Coffroth, Cotton, Cox, Cunningham, Davis, Dittmore, Fairchild, Field of Lake, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Hyatt, Johnson of Montgomery, Lamborn, Logan, McBride, McDonald, McFadin, Millekan, Miller, Miles,

Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—72.

So the amendment did not prevail.

The question being on the Engrossment of the bill.

Mr. Pierce of Porter, moved to reconsider the vote by which the House ordered the previous question.

Mr. Osborn raised the point of order, That, inasmuch as the House had partially executed the order under the previous question, it was not competent to entertain a motion to reconsider the vote on the previous question.

The Speaker decided that the point was not well taken.

Whereupon Mr. Osborn submitted the following appeal.

WHEREAS, During the pendency of House bill No. — and an amendment thereto, and an amendment to the amendment, the previous question was moved and seconded by the House, and under the operation of the previous question, the amendment to the amendment was voted upon and lost, and the amendment to the bill was voted upon and lost, when a motion was made by Mr. Pierce of Porter, to reconsider the vote taken upon the demand for the previous question, when the point of order was raised by the member from Putnam and Hendricks, to wit:

That the previous question having been adopted by the House, and applying to the entire question before the House, and the House already having acted upon the two proposed amendments under the force of the previous question, the question upon the original bill cannot be avoided by a motion to reconsider, and nothing is in order but the remaining question on the adoption of the engrossed bill. The Speaker decided that the point of order was not well taken, and the motion to reconsider was in order, from which decision of the Speaker, the undersigned respectfully appeal to the House.

(Signed,)

MILTON A. OSBORN,
S. S. McFADIN.

Mr. Coffroth moved to lay the appeal on the table.

Which was agreed to.

The question being on the reconsideration of the vote on the previous question.

Messrs. Osborn and Wilson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Bates, Beatty, Bowen, Chittenden, Coffroth, Dittemore, Dunn, Fuller, Furnas, Hamilton, Higbee, Hutson, Jump, Lamborn, Monroe, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Underwood, Vardeman, Vater, Williams of St. Joseph, Wilson and Mr. Speaker—28.

Those who voted in the negative were

Messrs. Addison, Admire, Baker, Barritt, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cotton, Cory, Cox, Cunningham, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Gordon, Greene, Hall, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Logan, McBride, McDonald, McFadin, Millikan, Miller, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Sabin, Shoemaker, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Wile, Wildman, Williams of Hamilton, Williams of Union, Zenor and Zollars—61.

So the motion to reconsider did not prevail.

The question being on ordering the bill to be engrossed.

Messrs. McFadin and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Cunningham, Dittemore, Dunn, Fairchild, Field of Lagrange, Furnas, Hall, Hamilton, Higbee, Higgins, Hutson, Lamborn, Mason, Monroe, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Stephenson, Underwood Vardeman, Vater, Wildman, Williams of Hamilton, Wilson and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis, Fuller, Gilham, Gordon, Greene, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Pierce of Porter, Sabin, Shoemaker, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Wile, Williams of St. Joseph, Williams of Union, Zenor and Zollars—50.

So House bill No. 130 was not ordered to be engrossed.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 140.

The same was taken up.

House bill No. 140. A bill repealing certain sections of an act to provide for the Registry of voters and declaring their residence, and prescribing further duties of the officers of elections.

Mr. Coffroth offered the following amendment:

Amend the second section of the proposed amendment by adding thereto the following proviso:

Provided, That the respective Township Central Committees shall each nominate to such Inspector, such Judge of elections at at least three days before the day of elections, and in case of a failure to do so, it shall be the duty of such Inspector to appoint such Judge, so omitted to be nominated by either or both of said Committees.

Mr. Coffroth offered the following amendment:

SEC. —. That any Township Trustee, Inspector, Judge, or Clerk, of elections, who shall wilfully and knowingly violate any of the provisions of this act, or of the act regulating general elections, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned in the State Prison, for not less than one year, nor more than five years.

Which was concurred in.

H. J.—39.

Mr. Coffroth moved to amend the bill by striking out section second.

Mr. Wildman moved to lay all the amendments on the table, offered by Mr. Coffroth.

Mr. Coffroth called for a division of the question.

It was so ordered.

The question being, on laying the amendment on the table offered by Mr. Coffroth, striking out the second section.

Messrs. Coffroth and Cox, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Odell, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittmore, Field of Lake, Fuller, Hutchings, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, Miles, Montgomery, Neff, Pierce of Porter, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs, Welborn, Wile, Zenor and Zollars—39.

So the motion to lay on the table prevailed.

The question being on laying on the table the second amendment offered by Mr. Coffroth,

Messrs. Coffroth and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Buskirk,

Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Green, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Dittemore, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Zenor and Zollars—36.

So the motion to lay on the table prevailed.

The question being on laying the further additional amendment on the table,

Messrs. Coffroth and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, McBride, Mc-

Donald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Wile and Zenor—34.

So the motion to lay on the table prevailed.

The question being on laying the additional amendment on the table.

By consent, the motion to lay the last amendment on the table was withdrawn.

The question recurring on its adoption.

It was agreed to.

Mr. Neff offered the following amendment: Amend as follows:

Section —. In case of any challenge of any person offering to vote at any State, county, township or city election in this State, the person so offering to vote shall furnish to the judges of the election his affidavit in writing, stating therein that he is an inhabitant of said precinct, and entitled to vote therein at such election, and prove by the oath of a freeholder and voter of the precinct in which he offers his vote that he knows such person to be an inhabitant of the precinct, and if in any city, giving the residence of such person within said precinct. The oath may be administered by one of the judges or inspectors of election at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. The affidavits referred to in this section shall be attached to, and returned with said poll list, to the office of the County Clerk. Any person may be challenged, and the same oaths shall be put as now are, or may hereafter be prescribed by law.

Mr. Buskirk moved to lay the amendment on the table.

Messrs. Neff and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hut-

son, Hyatt, Johnson of Montgomery, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Union, Williams of St. Joseph, and Wilson—59. -

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Cave, Coffroth, Cory, Cox, Cunningham, Fuller, Hutchings, Lawler, Logan, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoemaker, Sleeth, Sunman, Tebbs, Wile and Zenor—29.

So the motion to lay on the table prevailed.

Mr. Pierce, of Porter, moved that the House do now adjourn.

Which was not agreed to.

Mr. Pierce, of Porter, offered the following amendment:

Add section —. At the opening and counting of ballots at all elections to be held hereafter, it shall be unlawful for any person, save and except the officers of the Election Board, who shall be bound by oath not to record the name or manner of voting of any election, except in obedience to law, or when called upon as a witness in a court of justice, but it shall be the duty of the Trustee or the chief officer of each election precinct to keep all ballots deposited at the election safely secured by lock and key, for six months from the day of election, and at the end of that time to destroy them.

Section —. Any Trustee, Inspector, Clerk or other officer of election who shall reveal the manner of voting of any person, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding \$1,000, to which may be added imprisonment for six months.

Mr. Pierce, of Vigo, moved to lay the amendment on the table.

Which was agreed to, and the amendment laid on the table.

Mr. Pierce, of Vigo, offered the following amendment :

SECTION —. *And be it further enacted*, That the trustees of each township, or other person authorized to hold any election in this State, as now provided by law, shall appoint two qualified voters, who shall be free holders of such township, who shall constitute a Board of Election, and such Board shall appoint two clerks of such election, *Provided*, that in making such appointment of Board and such clerks, the Trustee and such Board as he may appoint, or such other person as may be appointed, to hold an election as aforesaid, shall appoint persons belonging to the different political parties, so that each party may have a representative on said Board; *Provided*, there are different political parties in each township or ward; and, *Provided*, that the appointment shall be made from the political parties casting the highest number of votes in said township or ward.

SECTION —. That all laws, or parts of laws, coming in conflict with the provisions of this act are hereby repealed.

Mr. Coffroth offered the following amendment :

Amend the first section of the proposed amendment by adding the following: *Provided*, That such trustees should appoint as judges such persons as may be named to him by the Central Committee of each of the two largest political parties of the township. *Provided*, That said Central Committee should nominate such judge at least three days before the day of election, and upon failure to do so, it shall then be the duty of the Township Trustees to nominate and appoint such judges.

Mr. Pierce, of Porter, moved that the House do now adjourn.

Which was not agreed to.

Mr. Vater moved to lay the amendment offered by Mr. Coffroth on the table.

Messrs. Coffroth and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee,

Higgins, Hutson, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Adlison, Admire, Barnett, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Cunningham, Ditemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Logan, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Wile, Zenor, and Zollars—37.

So the amendment was laid on the table.

Mr. Ratliff moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

The question being on the adoption of the amendment offered by Mr. Pierce, of Vigo,

It was agreed to.

Mr. Bobo offered the following amendment:

Amend by adding the following sections:

SECTION —. Any person who shall knowingly and wilfully cast any illegal vote at any general, State, county, or municipal election shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the State prison not less than one nor more than five years.

Sec. —. Any person who knowingly and wilfully, shall aid, advise, employ or assist any person in casting an illegal vote at any general, State, county or municipal election, shall be deemed guilty of a felony, and on conviction be fined in any sum not less than five hundred dollars, and imprisoned in the State Prison, for any

length of time not less than two nor more than five years, and be disfranchised.

Mr. Bobo moved that the House do now adjourn.

Which was not agreed to.

Mr. Gordon moved to lay the amendments offered by Mr. Bobo on the table.

Mr. Bobo called for a division of the question.

It was so ordered.

The question being, on that portion of Mr. Bobo's amendment in reference to illegal voting.

Messrs. Cave and Bobo demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Bowen, Breckinridge, Buskirk, Chapman, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Rudell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Wilson—47.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Logan, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Wile, Zenor, Zollars, and Mr. Speaker—40.

So the amendment was laid on the table.

The question recurring on the second branch of the amendment providing penalties for the importation of illegal voters,

Messrs. McFadin and Cave demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Verdeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Wilson—49.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Cory, Cox, Cunningham, Dittemore, Fuller, Hutchings Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Wile, Zenor, Zollars and Mr. Speaker—38.

So the amendment was laid on the table.

Mr. Dittemore obtained leave of absence till to-morrow morning, on account of sickness.

The question being on ordering House bill No. 140 to be engrossed.

Mr. Wilson moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Said bill was then ordered to be engrossed.

On motion by Mr. Cory the House adjourned.

THURSDAY MORNING, 9½ O'CLOCK, }
February 18th, 1869.

The House met.

Mr. Underwood moved to dispense with the reading of the Journal.

Which was not agreed to.

The Journal of yesterday was read and approved.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER:

Your committee to whom was referred Engrossed House Bill No. 60 have compared the same with the original, and find it correctly engrossed.

Mr. Wilson asked and obtained leave of absence to attend court indefinitely.

Mr. Overmyer obtained leave of absence for one day.

Mr. Bobo obtained leave of absence on account of sickness.

Mr. McFadin obtained leave of absence for one day.

Mr. Chittenden moved to suspend the regular order of business' for the purpose of taking up House bill No. 139.

Which was agreed to.

On motion of Mr. Buskirk, the bill was considered as engrossed.

House bill No. 139. A bill for the relief of Nicholas Moreback, Joseph E. Lange, and Frances Joseph Wetzler.

Was read a third time.

The question being shall the bill pass ?

Mr. Miles moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Admire, Barnett, Barrett, Bates, Beatty Bobo, Bowen, Britton, Breekinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Dittimore, Dunn, Fairchild, Field of Lake, Furnas, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Monroe, Montgomery, Neff, Odell, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Sunman, Tebbs Underwood, Welborn, Wile, Williams of Union, Wilson, Zenor and Zollars—58.

Those who voted in the negative were,

Messrs. Addison, Baker, Beeler, Britton, Cunningham, Davidson, Davis, Field of Lagrange, Fuller, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Marshall, Kercheval, McBride, Mock, Osborn, Ratliff, Sabin, Skidmore, Smith, Stewart of Rush, Taber, Varde-man, Vater, Wiidman, Williams of Hamilton, Williams of St. Joseph and Mr. Speaker—31.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate bill 231 entitled. "A bill to amend section 2 of an act to provide for a State Debt Sinking Fund," approved December 21, 1865, making the Governor a member of the Board

of State Debt Sinking Fund, in which the concurrence of the House is requested.

Engrossed Senate bill No. 231. A bill to amend section 2 of an act to provide a State Debt Sinking Fund, for the payment of the principal and interest of the five and two and one-half per cent. stocks of the State therein named; prescribing the duties of the Auditor, Treasurer and Agent of State in relation thereto, approved December 21, 1865.

Which was read a first time, and passed to a second reading, to-morrow.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate bill No. 247 entitled, "A bill fixing the times of holding Circuit Courts in the Fifth Judicial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict herewith," in which the concurrence of the House is requested.

Engrossed Senate bill No. 247. A bill fixing the times of holding Circuit Courts in the Fifth Judicial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict herewith.

Which was read a first time and passed to a second reading to-morrow.

SENATE BILLS ON SECOND READING.

Engrossed Senate bill No. 94. A bill touching the consolidation of railroads, and declaring the effect of such consolidations.

Which was read a second time, with accompanying amendments.

The question being on the adoption of the amendments.

They were agreed to.

Mr. Osborn moved to amend, by adding to section 3 the following:

That if any railroad shall lease their road to any other corporation connected with any consolidated line of railroads without the State, then they shall be deemed to have consolidated with said road, and be governed by the provisions of this act.

Which was agreed to.

Mr. Coffroth moved to amend, by adding the following sections to the bill:

Section —. That a majority in number of the Board of Directors of each and every railroad company owning or operating a line of railroad, which is wholly or partly within this State, are hereby required, from and after the first annual elections for Directors of any such company which shall be held after the passage of this act, to be *bona fide* residents of the State of Indiana.

Section —. No meeting of the Board of Directors of any such railroad company, held after the passage of this act, shall be considered or adjudged, in any of the limits of this State, to be a valid and legal meeting, so as in any way to bind said corporations, or any stockholder or other person, unless such meeting is had and held within the limits and jurisdiction of the State of Indiana, and by a Board of Directors, the majority of whom shall be *bona fide* residents of this State, as provided in the preceding sections of this act.

Section —. That any railroad company owning or operating a line of railroad which is wholly or partly within this State, shall have the principal office for the transaction of the business of such company located at some place within the limits of this State, and at which office the business of any such company shall be transacted; and any such railroad company failing or refusing to comply with the provisions of this act, shall forfeit their corporate franchises and legal existence, and the Governor shall take possession of all the property of any such company for the use of Common Schools.

Which was agreed to.

SEC. —. Nothing in this act, or in any of its provisions, shall be so construed as to relieve any railroad company in the State from any obligation imposed by its charter or other act of the Legislature to account for and pay over to the School Fund any of its surplus earnings or other profits, but all liabilities of such roads shall remain after the passage of this act in as full force and effect as if the same had not been passed.

The question being on the adoption of the amendment.

It was agreed to.

On motion of Mr. Coffroth, the bill and amendments were ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 119. A bill to fix the time of holding the Courts of Common Pleas, in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Which was read a second time and passed to a third reading on to-morrow.

Engrossed Senate bill No. 56. A bill to amend sections 133 and 134, of an act providing for the settlement of decedents' estates prescribing the rights, liabilities and duties, of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.

Which was read a second time and passed to a third reading on to-morrow.

Engrossed Senate bill No. 67. An act to amend section 5 of an act entitled an act to provide for a more uniform mode of doing Township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act, approved February 18th, 1859, and declaring an emergency.

Which was read a second time, and passed to a third reading on to-morrow.

Engrossed Senate bill No. 138. A bill to amend the second section of an act entitled an act to amend the fourteenth and eighteenth sections of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms and declaring when this act shall take effect, and repealing all laws inconsistent therewith. Approved, March 5th, 1859; approved May 11th, 1861.

Which was read a second time and passed to a third reading on to-morrow.

Senate Joint Resolution No. 9. A Joint Resolution requesting our Representatives and instructing our Senators in Congress, to use their influence and vote, for the repeal of the "Tenure of Office Law."

Which was read a second time, and passed to a third reading on to-morrow.

Engrossed Senate bill No. 123. A bill to amend the 17th section of an act entitled an act providing for the organization of County Boards, and prescribing some of their powers and duties. Approved, June 17th, 1852.

Which was read a second time, and passed to a third reading on to-morrow.

Engrossed Senate bill No. 27. An act authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph River, at or near Bristol.

Which was read a second time, and passed to a third reading on to-morrow.

Engrossed Senate bill No. 142. A bill to revise and amend section five of an act entitled an act providing for the election, and prescribing certain duties of County Surveyors. Approved June 17th, 1852.

Which was read a second time, and passed to a third reading on to-morrow.

Mr. Ruddell presented the claim of Alexander H. Conner, State Printer, amounting to \$7,455 13.

Which was referred to the Committee on Claims.

Mr. Smith obtained leave of absence from to-morrow 10 o'clock till Monday at 2 o'clock.

Engrossed Senate bill No. 96. A bill prohibiting Supreme, Circuit, or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Courts of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs and their Deputies from practicing law in any of the Courts of the State, except as in this act permitted, and prescribing punishment for the violation thereof.

Which was read a second time.

Mr. Zollars offered the following amendment:

Amend by including in said bill Justices and Constables.

The question being on concurring in the amendment,

Mr. Odell moved to lay the amendment on the table.

Which was agreed to.

Mr. Buskirk offered the following amendment:

Amend by striking out the words "counties in which they hold their offices."

Mr. Zollars moved to lay the amendment on the table.

It was not agreed to.

The question being on the adoption of the amendment,

It was agreed to.

On motion by Mr. Zollars, the House adjourned.

THURSDAY, 2 O'CLOCK P. M.

The House met.

Mr. Chittenden obtained leave of absence from to-morrow noon, until Monday at 2 o'clock.

Mr. Mason obtained leave of absence from to-morrow noon until Wednesday.

Mr. Britton obtained leave of absence from to-morrow noon till Tuesday.

Mr. Miller obtained leave of absence from to-morrow noon until Monday 2 o'clock.

Mr. Cory obtained leave of absence from to-morrow noon until Monday.

Mr. Taber obtained leave of absence from to-morrow noon until Monday 2 o'clock.

Pending the adjournment was the consideration of House bill No. 96.

The question being on ordering the bill to be engrossed.

Pending which a call of the House was ordered.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Britton, Breckinridge Calvert, Carnahan, Cave, Chapman, Chittenden, Cofroth, Cory, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kereheval, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Monroe, Montgomery, Odell, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—77.

On motion, the further call was dispensed with.

The question being on ordering the amendments to be engrossed.

It was agreed to.

Mr. Hyatt obtained leave of absence from to-morrow till Monday at 2 o'clock.

SENATE BILLS ON SECOND READING.

Senate Joint Resolution No. 9. A joint resolution for creating another Judicial District for the District Court of the United States in southern Indiana.

Was read a second time.

Mr. McFadin offered the following amendment:

Amend by inserting, "and also one United States Circuit and H. J.—40.

District Court to be called the Northern District of Indiana, to be held at Logansport, or at such other place as Congress may declare."

Which was adopted.

On motion, the amendment was ordered to be engrossed.

Mr. Ruddell moved that the House do now proceed with the regular order of business.

Which was not agreed to.

Mr. Osborn moved to recommit House bill No. 138 to Special Railroad Committee, with instruction to strike out of said bill all after the enacting clause, and insert all that portion of House bill No. 269 after the enacting clause, and that they report at an early day.

Which was adopted.

Senate Joint Resolution No. 10. Instructing our Senators and requesting our Representatives in Congress to use their influence and vote, against any measure to legalize coin contracts until the United States shall redeem its Treasury notes in coin.

Which was read a second time and passed to a third reading.

Engrossed Senate bill No. 48. A bill providing for the protection of the Banks of Water Courses, by securing the bushes growing along said banks, from the ravages of stock.

Which was read a second time, and passed to a third reading on to-morrow.

Senate Joint Resolution No. 12. A Joint Resolution instructing our Senators and requesting our Representatives in Congress, to secure the passage of an act for the adjustment of claims due Mary Burress, a resident of Martin County, State of Indiana, widow of Charles Burress, deceased, late private of Company B, 80th Regiment Indiana Volunteer Infantry.

Which was read a second time, and passed to a third reading.

Engrossed Senate bill No. 17. A bill to regulate the sale of Patent Rights, and to prevent frauds in connection therewith.

Which was read a second time and passed to a third reading on to-morrow.

Mr. Coffroth from the Special Committee to whom was referred Senate Message on the subject of the complaint of the Secretary of the Senate, submitted the following report:

MR. SPEAKER :

The Special Committee to whom was referred the following message from the Senate to the House, to-wit:

WHEREAS, The following communication from the Secretary of Senate has been presented to the Senate, viz :

To the President of the Senate :

The Speaker of the House having given directions to the Door-keeper of the House, not to announce messages from the Senate while a member of the House has the floor for debate, and on reception of reports, I desire instructions from the Senate as to the time when I shall present such messages to the House.

Signed,

O. M. WILSON,

Secretary of the Senate.

Be it therefore

Resolved, That the House of Representatives be requested to receive the Messages of the Senate according to the usages of parliamentary law, have had the same under consideration, and after full investigation, do now submit the following report:

Your committee find that the communication made by Mr. O. M. Wilson, Secretary of the Senate, to that honorable body, and upon which said proceedings were had, is wholly untrue. That officer states in his complaint to the Senate that "The Speaker of the House having directed the Doorkeeper of the House not to announce messages from the Senate while a member of the House has the floor for debate, and in reception of reports." Your committee find that the Speaker gave no such direction; but that after the Secretary of the Senate had, on several occasions, interrupted members of the House while engaged in brief debate, in order to present the messages of the Senate, and after complaint and remonstrance had been made against such interruptions, the Speaker of the House directed the Doorkeeper, that when it was evident to him that a member engaged in debate would only occupy the floor for a minute or two of time, he should not be

interrupted; but that if it was evident that any considerable time would be occupied by the member in addressing the House, the Doorkeeper should promptly announce the message from the Senate.

Your committee are of the opinion that the said direction of the Speaker was extending to the Senate, in the prompt reception of its messages, a greater and more respectful courtesy than parliamentary law and usage prescribes.

Mr. Cushing, in his "Law of Legislative Assemblies," section S14, says: "But in the House to which a message is sent, it is the practice to suspend or discontinue the business in hand as soon as may be, after the message is announced, so as not unnecessarily to detain the messenger. * * * * * But if a member happens to be speaking at the time the messengers attend, it is not usual to receive them until the member has resumed his seat; but as this, in some cases, might amount to a very long detention, it is competent for the Speaker to interrupt the member speaking, or to interrupt a member in presenting a petition, in order to receive the message."

The authorities fully support this doctrine: 63 Parl. Reg. 56, 769; 8 Cong. Globe, 167; 11 ib, 168, and other authorities cited in a note to the text.

Your committee further submit, that the Senate of Indiana has heretofore established a rule for itself, more stringent than the rule stated by Mr. Cushing, or ever contemplated by this House.

At the regular session of the General Assembly, A. D. 1865, on motion of Mr. Cobb, Senator from Lawrence, the Senate unanimously adopted the following:

"*Resolved*, That the Doorkeeper be and is hereby instructed, not to announce a message from the House during a call of the Senate, the passage or reading of a bill, or while a Senator occupies the floor in addressing the Senate, and that the same be communicated to the House."—*Brevier Leg. Rep.*, vol. 9, page 62.

Your committee deem it both proper and respectful to submit to the House, that the Senate, in so promptly adopting the resolution in question, without investigation, and upon the mere unsupported,

and as it appears, untruthful statement of a subordinate officer, allowed itself to be betrayed into an unkind and unnecessary discourtesy to a co-ordinate branch of the General Assembly.

Your committee not only believe, but certainly know, that this House has uniformly received the messages of the Senate not only "according to the usage of parliamentary law," but according to the rule of a higher courtesy, in acquiescing in the direction of the Speaker, as before stated.

Your committee therefore recommend the adoption of the following:

Resolved, That in the judgment of the House, the said preamble and resolution of the Senate, based as they are upon a mis-statement of fact, is discourteous and disrespectful to this House.

Resolved, That this House does most earnestly and respectfully request the Senate to cause said matter to be investigated, and if, after investigation, it concurs in the opinion and judgment of this House in the premises, that it will mete out to said subordinate officer such punishment as may be proper in the premises.

Resolved, That a copy of the foregoing report and resolutions be laid before the Senate.

J. R. COFFROTH,
MILTON A. OSBORN,
GEO. A. BUSKIRK.

The question being on concurring in the report of the committee and the adoption of the resolutions.

It was agreed to.

Mr. Welborn, from the Committee on Engrossed Bills: Have compared House bill No. 140 with the original bill, and find the same correctly engrossed.

Engrossed Senate bill No. 58. A bill to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Which was read a second time, and passed to a third reading, to-morrow.

SENATE BILLS ON THIRD READING.

Senate joint resolution No. 2 entitled a joint resolution directing the Auditor of State to prepare a list of the several officers of this State who have filed a statement of their fees, perquisites and emoluments in his office, in obedience to the provisions of an act entitled, etc., approved June 3, 1861.

Which was read a third time.

The question being, shall the Senate joint resolution pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Beeler, Bobo, Britton, Cory, Cox, Cunningham, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Hamilton, Higgins, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Ruddell, Shoaff, Skidmore, Sleeth, Stewart of Ohio, Vater, Williams of Union, Zenor, Zollars, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bates, Beatty, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Davidson, Davis, Fuller, Gordon, Hall, Higbee, Hutchings, Hutson, Hyatt, Lamborn, Logan, Mason, Monroe, Pierce of Porter, Ratliff, Sabin, Shoemaker, Smith, Stephenson, Stewart of Rush, Sunman, Tabor, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, and Williams of St. Joseph—40.

So the Senate Joint Resolution No. 2 failed to pass for the want of a constitutional majority.

Senate Joint Resolution No. 3. Resolution instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery "F," U. S. Artillery, and to take action to repair said losses.

Which was read a third time.

The question being shall the Senate Joint Resolution No. 3 pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Cox, Cunningham, Davidson, Davis, Dittimore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Sunman, Tabor, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—81.

Voting in the negative was,

Mr. Addison—1.

So Senate Joint Resolution No. 3 passed.

The question being shall the title as read stand as the title of the resolution,

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Welborn, by consent, presented the following report from the Special Committee on Governor's Mansion :

MR SPEAKER :

The Joint Select Committee, to whom was referred the concurrent resolution of both Houses in reference to the purchase or building of an Executive mansion, have had the same under consideration, and have directed me to make the following report :

In discharging the duties imposed by said resolution, your committee at once entered upon the investigation of the matters so referred, keeping prominently in view the actual wants of the State and the question of true economy as connected therewith.

Many of the citizens of Indianapolis, proprietors of elegant residences, very kindly invited your committee to visit and examine their respective mansions, expressing an entire willingness to dispose of them to the State, provided your committee should deem them adapted to the purpose desired.

Many of these residences are elegant in their proportions and admirably fitted for private families with ample income; but, in the opinion of your committee, the most of these are wholly unsuitable, both in their arrangement and cost, as a residence for the Governor of the State.

Your committee, therefore, unanimously determined that it would be impolitic and inexpedient to purchase a house—but inasmuch as the State already owns the most eligible site in the city for an Executive mansion, they would, therefore, recommend that the premises lying north of the Blind Asylum be appropriated and set apart for such use, and that an appropriation of money to build a suitable house therein shall likewise be appropriated for this purpose.

Your committee instruct me to report the accompanying bill on this subject, and ask that the same may be passed.

Which report was concurred in.

House bill No. 270. A bill to provide for the erection of an Executive mansion, making an appropriation, and declaring an emergency.

Read a first time.

Mr. Coffroth moved that the bill be rejected.

Messrs. Ruddell and Lawler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Bobo, Chapman, Coffroth, Cox, Cunningham, Dittmore, Dunn, Fairchild, Field of Lake, Gordon, Hutchings, Hyatt, Johnson of Montgomery, Lawler, McDonald, McGregor, Miller, Miles, Mock, Montgomery, Neff, Odell, Shoaff, Sleeth, Smith, Stewart of Ohio, Tebbs, Wile, Zenor and Zollars
—33.

Those who voted in the negative were,

Messrs. Baker, Barritt, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Case, Chittenden, Cory, Davidson, Davis, Field of Lagrange, Fuller, Furnas, Gilham, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McFadin, Millekan, Mitchell, Monroe, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Stephenson, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—55.

So the motion to reject the bill did not prevail.

Mr. Cory moved that the bill be referred to the Committee on Ways and Means.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 65. A bill amending section 15 of an act entitled "An act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes," approved May 20, 1852, and declaring the meaning of the word annually as used in the 13th section of the said act.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cox, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, McBride, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Va-

ter, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—79.

No member voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Stephenson moved that House bill No. 78 be made the special order for to-morrow at 11 o'clock.

Which was agreed to.

Engrossed House bill No. 54. A bill to amend section 531 of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time.

Mr. Pierce of Vigo, by unanimous consent, offered the following amendment:

Provided, All recognizances hereafter taken shall be duly recorded in the Recorder's office of the proper county, and that the Recorder of such county for recording the same shall receive the fee of 50 cents.

The question being on the adoption of the amendment.

It was agreed to.

The question being on the engrossment of the amendment.

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cox, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Mason, McBride, McDonald, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Neff, Pierce of Porter, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. McFadin, Miles, Montgomery, Odell, Sabin and Sleeth—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Pierce, of Vigo, by unanimous consent, offered the following amendment:

And providing for the recording of recognizances, and the compensation of officers therefor.

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 83 entitled, a bill to amend sections 16, 17 and 18 of an act entitled, an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, and declaring an emergency.

Which was read a third time.

Mr. Kerchival raised the following point of order :

The bill proposes to increase the fees of jurors. This is a charge upon the people, as contemplated in Rule 51. Said Rule requires all bills that are a tax or charge upon the people to be first discussed in committee of the whole House.

Which was decided by the Speaker not well taken.

Mr. Miles moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cox, Cunningham, Davis, Dittimore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, Zollars, Zenor and Mr. Speaker—18.

Those who voted in the negative were,

Messrs. Admire, Beatty, Davidson, Johnson of Marshall, Odell, Osborn and Williams of Marshall—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

Mr. Underwood offered the following amendment :

Amend the title by inserting, "And providing for the fees and mileage of witnesses and jurors."

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 34 entitled, a bill to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Breckinridge, Calvert, Chapman, Chittenden, Coffroth, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Mason, McFadin, Millekan, Miller, Monroc, Montgomery, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Underwood, Varde-man, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, and Zollars—60.

Those who voted in the negative were,

Messrs. Britton, Carnahan, Cave, Cory, Cunningham, Dittemore, Fuller, Gordon, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Lamborn, Logan, McBride, McGregor, Miles, Mitchell, Mock, Ratliff, Shoaff, Smith, Tebbs, and Zenor—24.

So the bill passed.

The question being shall the title as read stand as the title of the bill,

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Hamilton obtained leave of absence until Monday 2 o'clock.

Mr. Underwood presented the following resolution :

Resolved, That the thanks of the House be tendered to the officers and inmates of the Blind Asylum for their interesting exhibition and concert given on last evening.

Which was adopted.

Mr. McFadin moved that the House do now adjourn.

Which was not agreed to.

Engrossed House bill No. 66. A bill defining a certain felony and misdemeanor, prescribing punishment therefor, and declaring an emergency.

Read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—83.

Mr. Cunningham voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Barritt moved that the House do now adjourn.

Which was not agreed to.

Engrossed House bill No. 18. A bill to amend sections two and four of an act entitled "An act for the incorporation and continuance of the Building Loan Fund and Savings Association," approved March 5th, 1857, and supplemental thereto.

Read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mock, Monroe, Montgomery, Odell, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor and Zollars—80.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Ruddell, by unanimous consent presented the claims of J. S. Harvey, for extra services rendered while he was Treasurer of State.

Which was referred to the Committee on Claims.

Engrossed House bill No. 94. A bill to amend section 39 of an act entitled an act defining felonies, and prescribing punishment therefor. Approved June 10th, 1852.

Read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of LAGRANGE, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, McFadin, McGregor, Millekan, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—80.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

On motion by Mr. Lamborn, the House adjourned.

FRIDAY MORNING, 9½ o'clock, }
February 19, 1869. }

The House met.

On motion of Mr. Bowen, the reading of the Journal was dispensed with.

Mr. Cox obtained leave of absence from to-day noon until Monday, on account of sickness.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Vater presented a petition from several citizens of Marion county, concerning a Homeopathic Department in the proposed Medical College.

Which was referred to the Committee on Rights and Privileges.

Mr. McDonald presented a petition from citizens of Marshall county, praying a separate department for instruction in the Homeopathic Theory and Practice.

Which was referred to the Committee on Rights and Privileges.

Mr. Underwood presented a petition from various citizens of Wayne county on the subject of retrenchment and reform.

Which was referred to the Committee on Fees and Salaries.

Mr. Underwood presented a petition from the citizens of Wayne county praying for the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Higbee presented a petition from the citizens of Kosciusko county praying for the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Fuller presented a petition from sundry ladies of Warrick county praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Fuller presented two petitions from citizens of Warrick county praying for the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Tebbs presented a claim of C. B. Bentley, publisher of the "Franklin Democrat," for \$20.00, for publishing the Morgan Raid Concurrent Resolutions.

Which was referred to the Committee on Claims.

Mr. Admire presented a petition, signed by sundry citizens, asking a for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Vardeman presented a petition, signed by sundry citizens of Randolph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Sabin presented the claims of Clerks, Sheriffs and Printing fees, &c., as allowed by the Morgan Raid Commission.

Which was referred to the Committee on Claims.

Mr. Wildman presented a petition from the Indiana State Board of Agriculture, asking that a committee of three be appointed to visit New Harmony, in this State; to examine the Geological collection of the late Dr. David Dale Owen, for the purpose of taking into consideration the propriety of purchasing the same.

Which was referred to a select committee of four.

Whereupon, the Speaker announced the following Special Committee: Messrs. Wildman, Furnas, McBride and Carnahan.

Mr. Beeler presented a copy of a letter of Prof. Richard Owen, of the State University, in relation to the Cabinet of the late Dr. David Dale Owen.

Which was referred to a select committee on that subject.

Mr. Miles presented a petition from citizens of Sullivan county on the subject of highways.

Which was referred to the Committee on Roads.

Mr. Welborn presented a petition from various citizens, asking for the establishment of a Homœopathic Department in the contemplated Medical College at Indianapolis.

Which was referred to the Committee on Rights and Privileges.

Mr. Williams, of Fayette and Union, presented a petition from sundry citizens of Union county, praying for the repeal of the gravel road law.

Which was referred to the Committee on Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. Buskirk, from the Committee on Ways and Means, submitted the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House bill No. 141, entitled "An act to fix the mode of assessing the amount of property upon which the taxes shall be assessed," together with the amendment and report of the Committee on Rights and Privileges, have had the same under consideration. The Committee have instructed me to report the same back to this House with the recommendation that the bill, with the proposed amendments thereto, be indefinitely postponed.

The question being on concurring in the report of the Committee,

Messrs. Miles and McGregor demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Chittenden, Davidson, Dittemore, Dunn, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Logan, McBride, McDonald, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Welborn, Williams of Hamilton, Williams of Union, Zenor and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Admire, Baker, Bates, Carnahan, Chapman, Cox, Fairchild, Fuller, Furnas, Hutchings, Hyatt, Logan, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Sleeth, Tebbs, Vater, Wile and Zollars—23.

So the report of the committee was concurred in, and the bill was indefinitely postponed.

Mr. Dunn, from the Judiciary Committee made the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 31 entitled, "A bill to legalize the appraisement of the real estate of the State of Indiana, made in the year 1864, and declaring an emergency," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Gordon, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 231 entitled, "A bill defining a certain felony and misdemeanor, and prescribing penalties therefor," have had the same under consideration, and submit the following amendments, to-wit:

First. Amend the title by striking out the words "felonies and."

Second. Strike out the last five lines of the bill, which read as follows: "A crime or misdemeanor, and on conviction thereof, shall be confined in the penitentiary, at hard labor, for any term of years not less than three nor more than ten," and insert the following, to-wit: "A misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than \$50 nor more than \$1,000, to which may be added imprisonment in the county jail for any period not exceeding one year," and, when so amended, recommend its passage.

Which report was laid on the table.

Mr. Gordon, from the Committee on the Judiciary, presented the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 207, an act defining some of the duties of County Commissioners, providing for the safety of funds belonging to the county, have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill was indefinitely postponed.

Mr. Stephenson, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred Senate bill No. 222, entitled, "An act to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency," have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 181, entitled, "An act authorizing incorporated towns and civic townships to subscribe stock and make donations in aid of railroads," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, presented the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 142 entitled, "An act to amend an act providing for the

settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Gordon, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 254 entitled, "An act to establish the Twenty-sixth Common Pleas District, composed of the counties of Elkhart, Kosciusko and Whitely, to provide for the election of a Judge, and fixing the time of holding Courts in said Circuit, and other matters therein connected," have had the same under consideration, and recommend its indefinite postponement.

Mr. Davis moved to lay the report on the table.

Which was agreed to.

Mr. Dunn, from the Judiciary Committee, made the following report:

MR. SPEAKER:

Your committee to whom was referred Senate bill No. 73, "A bill to amend an act entitled an act to revise, simplify, and abridge the rules, practices, pleadings, and forms in civil cases in the courts of this State—to abolish distinct forms of action at law, and to provide for the administration of justice without distinction between law and equity," have had the same under consideration, and respectfully submit that no further legislation is required on that subject. The committee, therefore, recommend the indefinite postponement of the bill.

Which report was concurred in, and the bill indefinitely postponed.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed Enrolled Act No. 10, House of Representatives, entitled "An act to amend section forty-three of an act entitled an act providing for the settlement of descendent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved July 17th, 1852, which is herewith returned to the House.

Mr. Mitchell, from the Judiciary Committee, made the following report :

MR SPEAKER :

Your committee to whom was referred House bill No. 81, "A bill creating a lien on property for labor performed thereon and materials furnished therefor, regulating the conditions thereof, and repealing all laws inconsistent therewith," have had the same under consideration, and recommend that it be indefinitely postponed.

Mr. Furnas moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

The question being on concurring in the report,

Messrs. Vater and Mitchell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Ditemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Masou, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell,

Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Welborn, Wiles, Williams of Hamilton, Williams of Union, Zenor, Zollars, and Mr. Speaker—84.

Those who voted in the negative were,

Messrs. Cave, Fuller, and Vater—3.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Neff moved to reconsider the vote just taken.

Mr. Coffroth moved to lay the motion on the table.

Which was agreed to.

Mr. Sabin, from the Committee on Claims, submitted the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of William K. Edwards for \$11.30, mileage and *per diem* while in attendance as a witness before the Committee on Railroads, during the present session of the House of Representatives, have had the same under consideration, and instruct me to report the same back and recommend its allowance, and that it be referred to the Committee on Ways and Means and placed in the Specific Appropriation Bill.

Which was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

Your committee to whom was referred the claim of Mr. Ferrington, for \$11.36, for mileage and *per diem* while in attendance as witness before the Railroad Committee of the present session of the House of Representatives, have had the same under considera-

tion, and have instructed me to report the same back, recommending its allowance, and that it be referred to the Committee on Ways and Means, and placed in the Specific Appropriation Bill.

Which report was concurred in.

Mr. Monroe, from the Committee on Claims, made the following report :

MR. SPEAKER:

The Committee on Claims, to whom was referred the memorial of William Willard, asking that the General Assembly make him an appropriation of \$5,000, and also proposing changes in the organization of the Board of Directors for the Deaf and Dumb Asylum, have had the same under consideration, and have instructed me to report the same back and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Vater, from the Committee on Education, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred House bill No. 218, entitled "A bill providing for the education of disabled soldiers in the common schools of the State of twenty-one years of age and over," have had the same under consideration, and would report that by section fifteen of the present school law, provision is made for any male over the age of twenty-one years availing himself of the privileges of our common schools, and therefore further legislation is unnecessary, and recommend the indefinite postponement of the bill.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Vater from the Committee on Education submitted the following report :

MR. SPEAKER:

Your Committee to whom was referred House bill No. 247, entitled a bill to amend sections 1 and 122 of the present School

Law, have had the same under consideration, and after adopting the following amendments, recommend its passage :

1. By striking out, after the enacting clause, sections 1, 2 and 3.

2. Striking out the word "said" in the first line of the 4th section : also the figures "122" in the second line, and insert instead thereof, the figures "118;" also strike out the words "and made to read" in the third line of the same section ; also strike out the words "April and October" in the sixth line, and insert instead thereof, the words " May and November."

Which report was laid on the table.

Mr. Vater from the Committee on Education, made the following report :

MR. SPEAKER :

Your Committee to whom was referred the "answer to resolutions of the House of Representatives by the Superintendent of Public Instruction," have had the same under consideration and would respectfully report the same back with the recommendation that it lay on the table, and that three hundred copies be printed for the information of the members.

Which was concurred in.

Mr. Sabin from the Committee on Claims made the following report :

MR. SPEAKER :

Your Committee to whom was referred the claim of Frank D. Allen, for \$1,242 00 paid Roeler, Blount & Co., for 18,400 pounds of iron castings for work on the building used for the Supreme Court and State Offices, under an act of March 9th, 1867, have had the same under consideration and have instructed me to report the same back, recommend its allowance, and that it be referred to the Committee on Ways and Means, and placed in the Specific Appropriation Bill.

Which report was concurred in.

Mr. Sabin from the Committee on Claims made the following report :

MR. SPEAKER :

The Committee to whom was referred the claim of Hally Austin, for \$57,75, for keeping sixty-eight horses, and three men to take care of the same, three days and four nights, for the General Government in 1863, have had the same under consideration, and have instructed me to report the same back, recommend its allowance, and that it be referred to the Committee on Ways and Means and placed in the Specific Appropriation Bill.

Which report was concurred in.

Mr. Gordon from the Committee on Fees and Salaries made the following report :

MR. SPEAKER :

Your Committee on Fees and Salaries, to whom was referred House bill No. 191, an act to amend an act entitled an act regulating the Fees of Officers and repealing former acts in relation thereto, approved March 2d, 1855, have had the same under consideration and request me to report the same back recommending its indefinite postponement.

Which report was concurred in.

Mr. Overmyer, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 28, an act to amend sections 1, 2 and 5 of an act entitled " An act to create the 18th Judicial Circuit of the State of Indiana, and fixing the time of holding the courts therein," have had the same under consideration, and beg leave to report the following substitute for the bill :

" A bill defining what counties shall constitute the 18th Judicial Circuit, and fixing the time of holding Courts therein."

Which was laid on the table.

Mr. Furnas, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 201, "A bill to provide for the inspection of illuminating oils, and repealing all laws in conflict with the provisions of this act," have had the same under consideration, and report the same back and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Carnahan, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 199, "An act to prevent the spread of distemper among horses," have had the same under consideration, and have directed me to report the bill back to this House and recommend its passage.

Which report was laid on the table.

Mr. Hutchings, from the Committee on Rights and Privileges, submitted the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom was referred House bill No. 216, entitled "An act amendatory of the act on drainage," have had the same under consideration, and beg leave to report it back and recommend its passage.

Which report was laid on the table.

Mr. Fairchild, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 265, "A bill repealing an act for the preservation of fish, and defining the time in which they may be trapped, netted, or seined, affixing the

penalty for the violation of this act, and declaring an emergency," approved March 9, 1867, and declaring an emergency, would respectfully report that they have had said bill under consideration, and believing that a repeal of the present law would be injurious to the best interests of a great majority of the people, ask that the bill be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Beeler, from the Committee on Agriculture, submitted the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred bill No. 229, " An act to prevent the destruction of harmless wild birds, birds of song, insectivorous birds, and their nests and eggs, in this State, and fixing the penalty for the same, have had the same under consideration, and have instructed me to report the same back to the House, and recommend the adoption of the following amendment :

Strike out " wood pecker," where it occurs, and " jay bird," where it occurs.

And when so amended recommend its passage.

Which report was laid on the table.

Mr. Breckinridge, from the Committee on Corporations, submitted the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 145, entitled " A bill to amend sections 1, 6 and 9 of an act entitled an act to incorporate the Lafayette Insurance Company," approved February 8, 1836, have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Vater, from the Committee on the Affairs of the City of Indianapolis, submitted the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 241, " A

bill defining certain misdemeanors and prescribing punishment therefore," have had the same under consideration, but find it relates to matters not properly coming within the province of its duties, and therefore recommend it be recommitted to the Committee on the Judiciary.

Mr. Buskirk moved that the bill be recommitted to the Committee on the Affairs of the City of Indianapolis.

Which was agreed to.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 232, "A bill allowing an increase rate of toll on turnpike, plank, and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was laid on the table.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 187, an act to repeal an act entitled "An act to authorize the assessment of all lands within one and a half miles of any plank, macadamized, or gravel road, and the collection of such assessments," have had the same under consideration, and have directed me to report the same back, with the recommendation that it be indefinitely postponed.

Mr. Cory moved to lay the report and bill on the table for the present.

Which was agreed to.

Mr. Millekan, from the Committee on Roads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 125 en-

titled, "A bill to amend an act entitled an act to amend the 45th section of an act to provide for the opening, vacating and change of highways," approved March 5, 1869, would respectfully represent that we have had the same under consideration, and have directed me to report the same, with the following amendment:

"Amend by striking out all between the lines marked "A" and "B," and insert the following: "By posting notices in three public places along the line of the proposed highway, for twenty days before the meeting of the Boards," and, when so amended, recommend its passage.

Which report was laid on the table.

Mr. McDonald, from the Committee on Statistics and Emigration, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 266 entitled, "An act creating a Board of Immigration, defining their duties and powers," have had the same under consideration, and recommend the following amendment:

Strike out section 2, and insert the following:

Section 2. The Governor shall be the President of said Board, the President of the State Board of Agriculture shall be Treasurer of said Board of Immigration, and the Secretary of the State Board of Agriculture shall be Secretary of said Board of Immigration, and the said Board shall discharge all the duties required by them by this act, without compensation for such service, the appropriation hereinafter made, to be expended by them exclusively for encouraging immigration, furnishing statistics, etc., as provided for in this act," and, when so amended, they recommend its passage.

Which report was laid on the table.

Mr. Stewart, of Ohio, from the Committee on Printing, made the following report:

MR. SPEAKER

The Committee on Printing, to whom was referred House bill No. 166 entitled, "A bill requiring legal advertisements to be pub-

lished in German newspapers in certain cases," instructed me to report that they have examined said bill, and to report the same back and recommend its passage.

Which was laid on the table.

Mr. Osborn, from the Special Railroad Committee, made the following report:

MR. SPEAKER:

Your special committee, to whom engrossed House bill No. 138 entitled, "A bill amending section 22 of an act entitled, an act to incorporate the Terre Haute and Richmond (now Terre Haute and Indianapolis) Railroad Company, and declaring the intention of the act, and an emergency for its immediate enforcement," was re-committed with the following instructions, have directed me to report the same back, and recommend its passage:

That it is hereby declared to be the duty of every railroad company, and every other common carrier engaged in the transportation of freight for hire, to transport along and over its line of travel, and between every station on said line, all kinds of freight which such company or carrier has been or may be accustomed to carry on or over any part of said line, and which may be offered for transportation, at and for reasonable rates or compensation, and in estimating what compensation or rates shall be considered reasonable, the distances over which the freight shall be carried and the nature of the articles or commodities carried, shall be taken into consideration.

Section 2. If any railroad company, or any other common carrier, shall fail or refuse to transport, within reasonable time, to carry, for reasonable rates, any freight, article or commodity which may be offered and produced for transportation over its line of travel, or from any one way station along that line, such railroad company, or other common carrier shall, for every such failure or refusal, be liable to pay to the party aggrieved by such failure or refusal, double the amount of the actual damages sustained by such party by reason thereof. *Provided*, however, that no railroad company, or other common carrier, shall be bound to carry any kind of freight, articles or commodities, which such company or carrier has

not been accustomed to carry over such line of travel or some part thereof, nor shall such railroad company, or other common carrier, be thus bound to carry as aforesaid, except to the extent of the reasonable capacity of such railroad company, or other common carriers.

Section 3. If any railroad company, or other common carrier, shall fail or refuse to transport any freight, articles or commodities as aforesaid, which may be so produced and offered for transportation as aforesaid, without the payment of unreasonable or exorbitant rates for such transportation, the person offering such freight articles or commodities, may pay, or stipulate to pay under protest, the unreasonable or exorbitant rates demanded, and the person so paying may recover back, in a civil action against such railroad company, or other common carrier, the excess or difference between the unreasonable or exorbitant amount paid for the service, and the amount which would have been just and reasonable compensation for such service.

Section 4. If any freight, articles or commodities shall be shipped or consigned by one person to another person, to be carried or transported by any railroad company, or other common carrier as aforesaid, and such railroad company or common carrier, or their agent, or such carrier or his agent, shall refuse to insert in the freight bill or bill of lading a reasonable sum, and demand that an unreasonable or exorbitant sum shall be inserted in the price of carriage, the consignee may, under protest, agree to the insertion of such unreasonable or exorbitant amount as the price of the carriage or transportation of such freight, articles or commodities, and in such case the consignee, on the arrival of the freight at the place of destination, shall be entitled to demand and receive the freight, or articles, or commodities so consigned to him, upon the payment of a reasonable rate or sum for the transportation thereof. Or he may pay, under protest, the unreasonable or exorbitant amount specified in the freight bill or bill of lading, and recover back the excess or difference between the exorbitant and reasonable rate in civil action.

Section 5. Any protest contemplated by this act may be made verbally, and may be proven by parol evidence, notwithstanding the price of transportation claimed to be excessive may be specified in a freight bill, bill of lading or other writing.

Section 6. Any person having or claiming to have any demand or claim against any railroad company, or other common carrier, for any sum of money paid for transportation under protest as aforesaid, may make out a statement or account thereof, in writing, showing the amount and nature of the claim, and the name of the railroad company, or other common carrier, against which or whom it is made, which claim may be assigned by the claimant, and if the assignment is attested by a subscribing witness, the assignee may sue thereon in his own name, without making the assignor a party to the action.

An emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall be in force and take effect from and after its passage.

Which report was concurred in.

Mr. Pierce, of Porter, presented a petition, by leave, from several citizens of Porter county in regard to a Homœopathic Department in the proposed Medical College.

Which was referred to the Committee on Rights and Privileges.

Mr. Buskirk presented a claim from General Thos. M. Browne, for services as attorney for the Morgan Raid Commission.

Which was referred to the Committee on Claims.

Mr. Welborn moved to reconsider the vote by which the House adopted the amendment offered by Mr. McFadin to Senate Joint Resolution No. 9.

Mr. Ratliff obtained leave of absence until Monday at 2 o'clock.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 78, the same was taken up, when it was read for information, it having been read a second time on a previous day.

The amendments offered by Mr. Coffroth, some days since, were read.

Mr. Coffroth offered the following amendment:

Amend the amendment by striking out of the first section the word "twelve," and insert the word "fifteen."

Also, strike out the last word "six" where it occurs in the fourth line of the second section, and insert the word "three."

Pending the discussion of the same,

On motion of Mr. Osborn, the House adjourned.

FRIDAY, 2 O'CLOCK P. M.

The House met.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 59, entitled "A bill to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble of the Fourteenth Judicial Circuit."

Also, House bill No. 244, entitled "A bill to amend the sixth section of an act entitled an act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which are herewith returned to the House.

Pending the adjournment was the consideration of House bill No. 78, with amendments.

The question being on the adoption of the amendment offered by Mr. Coffroth to-day to the amendment previously offered.

Mr. Coffroth moved that the further consideration of the bill and amendments be postponed until next Tuesday at 2 o'clock and considered in a committee of the whole House.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President has signed Enrolled Senate Joint Resolution No. 3, entitled "A joint resolution instructing our Senators and requesting our Representatives in Congress to inquire into losses of men belonging to Battery 'F,' U. S. Artillery, and take action to repair said losses," which is herewith transmitted to the House for the signature of the Speaker.

The Speaker announced that he had signed Joint Resolution No. 3.

Mr. Zollars offered the following preamble and resolution:

WHEREAS, There are letters which have come into the possession of members of this House, and which purport to have been written by one James M. Dickson, Auditor of Madison county, Indiana, and one Gilbert Trusler, Clerk of the court of Fayette county, of the same State, and which letters were written and sent to the various county officers of Indiana, and contain, among other things, that certain bills are pending before the House of Representatives which will, if passed, very much reduce the salaries of county officers, and stating that they, said Dickson and Trusler, have assurance that if a sufficient fund can be raised, said bills can be defeated; and,

WHEREAS, If any assurances have been given, they must have been given by members of this House; and,

WHEREAS, Any such assurances, given by any member of this House, would be in violation of his oath and a corrupt and indecent proposition to betray his high and sacred trust as a member and representative of the people; and,

WHEREAS, If no such assurances have been given by members of this House, it is due to us, and the State whose representatives we are, that said corrupt insinuations be refuted; therefore,

Resolved, That a committee of five be appointed whose duty it shall be to fully investigate the whole subject, and report the result

of their investigations to this House, and in order that they may make their investigations effectually, they shall have power to send for persons and papers as may seem best to them.

AND WHEREAS, Said letters contain, among other things, proposals by said James M. Dickson, Auditor of Madison county, and Gilbert Trusler, Clerk of Fayette county, to the various county officers of this State that if each of them will submit to an assessment, in order to raise a fund, that they, Dickson and Trusler, will take said fund and with it defeat said salary bills ; and,

WHEREAS, Said proposals contain within themselves propositions tending to corrupt the county officers of the State, and looking to the corruption of the members of this General Assembly, which propositions are corrupt in themselves, indecent, and of a high criminal character, and merit the condemnation of all good men and the penalties of the law ; therefore,

Resolved, That the above named committee have full power to fully investigate this branch of the matter, and report to this House, and pursue such a course as they may deem it expedient for the House to take in the premises.

The question being on the adoption of the resolution.

It was agreed to.

Whereupon, the following committee was announced to investigate the matter :

Messrs. Stephenson, Wildman, Coffroth, Zollars, Osborn, Pierce of Porter, and Gordon.

ORDERS OF THE DAY.

SENATE MESSAGES ON FIRST READING.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 133, entitled " A bill amendatory of the act touching the removal and relocation of county seats."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 133. A bill to amend sections 1 and 3 of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners.

Which was read a first time.

Mr. Osborn moved to suspend the constitutional rule and read House bills Nos. 133, 256, 178, 257, 268 and 222 first, second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Bowen, Britton, Breckinridge, Buskirk, Calvert, Cave, Chapman, Chittenden, Coffroth, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McGregor, Millekan, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Wile, Williams of Hamilton, Williams of St. Joseph, Zenor and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Beeler, Cunningham, Hutchings, Hyatt, Sabin and Shoaff—6.

So it was deemed expedient to suspend the constitutional rule so as to read the bills a first and second time by title, and a third time by sections now.

House bill No. 133 was read a second time by title.

Mr. Shoaff moved to refer the bill to the Committee on County and Township Business.

Mr. Neff moved to lay the motion on the table.

Which was agreed to.

Engrossed Senate bill No. 133, was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Beatty, Beeler, Bowen, Buskirk, Calvert, Chapman, Chittenden, Coffroth, Davis, Dittimore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Mason, McBride, McDonald, Millekan, Miles, Mock, Monroe, Montgomery Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Addison, Baker, Britton, Cunningham, Davidson, Hall, Higbee, Hutchings, Hyatt, Johnson of Marshall, Lamborn, Mitchell, Shoaff, Tebbs and Wile—15.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 256, entitled "A bill to fix the time of holding the Courts of Common Pleas in the 11th Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect."

In which the concurrence of the House is requested

Engrossed Senate bill No. 256. A bill to fix the time of holding the Courts of Common Pleas in the 11th Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

Was read a first and second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates Beatty, Beeler, Bowen, Britton, Buskirk, Calvert, Cave, Chapman, Chittenden, Coffroth, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McGregor, Millekan, Miller, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—75.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Coffroth moved to reconsider the vote by which the House refused to order House bill No. 130, to be engrossed.

Mr. Osborn moved to lay the whole matter on the table.

Messrs. Lawler and Zollars demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Chapman, Davis, Field of Lake, Fuller, Gilham, Greene, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, McBride, McGregor, Mock, Montgomery, Odell, Osborn, Sabin, Stewart of Ohio, Stewart of Rush, Taber, Zenor and Zollars—24.

Those who voted in the negative were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Buskirk, Calvert, Cave, Chittenden, Coffroth, Cunningham, Davidson, Dunn, Fairchild, Field of Lagrange, Furnas, Gordon, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Lamborn, Logan, Mason, McDonald, Millekan, Miles, Monroe, Neff, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—51.

So the motion to lay on the table did not prevail.

Mr. Neff moved to reconsider the vote by which Senate bill No. 133 just passed.

Mr. Johnson of Parke, moved to lay the motion on the table.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has passed Senate bill No. 259, entitled an act to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road lands in St. Joseph county.

In which the House is requested to concur.

Also, that the Senate having recalled from the Executive Department, enrolled Senate act No. 178, entitled an act to regulate the terms of the Circuit Courts in the First Judicial Circuit, that the same might be corrected in certain provisions thereof, and which is herewith transmitted to the House for its concurrence.

Engrossed Senate bill No. 178. A bill to regulate the terms of the Circuit Courts in the First Judicial District.

Which was read a first and second time by the title, then read a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Britton, Calvert, Cave, Chapman, Chittenden, Coffroth, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McGregor, Millekan, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—68.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 259. A bill to authorize the Governor to issue a patent to Samuel Cooper, for certain Michigan Road lands in St. Joseph county.

Read a first and second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Bowen, Calvert, Cave, Chapman, Chittenden, Coffroth Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kereheval, Lamborn, Logan, McBride, McDonald, McGregor, Millekan, Miles, Mock, Monroe, Montgomery, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Wile, Williams of Hamilton, Williams of St. Joseph, Zener, Zollars and Mr. Speaker—69.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate bill No. 268 entitled, "A bill to amend section 1 of an act to fix the time of holding Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect," in which the House is requested to concur.

Engrossed Senate bill No. 268. A bill to amend section 1 of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all laws on the same subject, and declaring when this act shall take effect.

Was read a first time, second time by title, a third time by sections.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Calvert, Cave, Chapman, Chittenden, Cofroth, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, McBride, McDonald, McGregor, Millekan, Miles, Mitchell, Monroe, Montgomery, Odell, Osborn, Overmyer, Pierce of Porter, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—70.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 222. A bill to legalize certain defective and irregular tax assessments, for the year 1868, in incorporated cities, and declaring an emergency.

Was read a second time by title, and a third time by sections.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Calvert, Cave, Chapman, Chittenden, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lamborn, Logan, Mason, McBride, McDon-

ald, Millekan, Miles, Mock, Monroe, Montgomery, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—70.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No 81. An act to legalize the appraisal of the real estate of the State of Indiana, made in the year 1864, and declaring an emergency.

Was read a second time, and passed to a third reading on tomorrow.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled bills, to whom was referred House bill No. 244, have examined and compared the same, and find it correctly enrolled.

Mr. Mitchell, from the Committee on Enrolled bills, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 59, have examined and compared the same, and find it correctly enrolled,

The Speaker announced that he had signed House enrolled acts Nos. 244 and 59.

SENATE BILLS ON THIRD READING.

Senate joint resolution No. 9. A joint resolution for creating another Judicial district for the District Court of the United States in Southern Indiana, was taken up.

Mr. Johnson, of Marshall, moved to lay the resolution on the table, together with the motion previously made, to reconsider the vote on the adoption of Mr. McFadin's amendment.

Which was agreed to.

Senate joint resolution No. 10. A bill instructing our Senators and requesting our Representatives in Congress to use their influence, and vote against any measure to legalize coin contracts, until the United States shall redeem its treasury notes in coin.

Was read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Buskirk, Cave, Chapman, Cory, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McDonald, Millekan, Mock, Monroe, Montgomery, Osborn, Pierce of Vigo, Ruddell, Sabin, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Union, Zenor, Zollars, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Admire, Britton, Calvert, Cunningham, Greene, Hutchings, and Odell—7.

So the bill passed.

The question being, shall the title as read, stand as the title of the Joint Resolution?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 231. A bill to amend section two of an act to provide for a State Debt Sinking Fund, approved December 21st, 1865, making the Governor a member of the Board of State Debt Sinking Fund.

Which was read a second time and passed to a third reading tomorrow.

Senate bill No. 119. A bill to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas Judicial District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Buskirk, Calvert, Cave, Chapman, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, McBride, McDonald, McGregor, Millekan, Miles, Monroe, Montgomery, Neff, Odell, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—68.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 56. A bill to amend sections 133 and 134 of an act for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Buskirk, Calvert, Cave, Chapman, Chittenden, Cory, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, McBride, McDonald, Millekan, Miles, Mitchell, Monroe, Montgomery, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Stepnenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Fuller and Neff—2.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 67. A bill to amend section five of an act entitled an act to provide for a more uniform mode of doing Township business, prescribing the duties of certain officers in

connection therewith, and to repeal all laws conflicting with this act, approved February 18th, 1859, and declaring an emergency.

Was read a third time.

Mr. Pierce, of Vigo, moved to lay the bill on the table.

Which was agreed to.

Engrossed Senate bill No. 27. A bill authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph river, at or near Bristol.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Buskirk, Calvert, Cave, Chapman, Chittenden, Cory, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of La-grange, Fuller, Furnas, Gilham, Greene, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, McBride, McDonald, Millekan, Miles, Monroe, Montgomery, Neff, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, Zenor and Mr. Speaker—67.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Stewart moved to take up House bill No. 52, and make it the Special Order for Wednesday, at 3 o'clock, P. M.

Which was agreed to.

H. J.—43.

Mr. Welborn by consent, was added to the Special Committee on Geological specimens.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the President has signed enrolled act No. 59, House of Representatives, entitled an act to fix the time of holding the Circuit Court in the counties of Kosciusko and Noble, of the Fourteenth Judicial Circuit.

Also, enrolled act No. 244, House of Representatives, entitled an act to amend the 6th section of an act entitled an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith. Approved March 5th, 1859.

Which are herewith returned to the House.

Engrossed Senate bill No. 138. A bill to amend the second section of an act entitled an act to amend the 14th and 18th sections of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved May 11th, 1859.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Buskirk, Cave, Chapman, Chittenden, Coffroth, Cory, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn,

Logan, McDonald, McGregor, Millekan, Miles, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph and Zenor—69.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Governor, by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT. }
INDIANAPOLIS, February 19, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed Enrolled Act No. 10. Entitled "An act to amend section Forty-three, of an act entitled 'an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved July 17th, 1852,' and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

Mr. Pierce of Vigo, moved to make House bill No. 23, the Special Order for Tuesday, at eleven o'clock.

No quorum voting the result was not announced.

Mr. Coffroth moved that the House do now adjourn.

Mr. Underwood moved that when the House adjourn, it be until Monday next at two o'clock, P. M.

Mr. Ruddell moved to lay the motion of Mr. Underwood on the table.

Which was agreed to.

The question being on the motion of Mr. Coffroth.

Which was not agreed to.

Mr. Underwood moved that the House do now adjourn until Monday next, at two o'clock, P. M.

Which was agreed to.

MONDAY AFTERNOON, 2 o'clock, }
February 22, 1869. }

The House met.

By consent, the reading of the Journal was dispensed with.

Message from the Governor, by Mr. Commons his Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 19, 1869. }

MR. SPEAKER :

I am directed by the Governor to respectfully inform the House that he has approved and signed—

Enrolled act No. 59, entitled “ An act to fix the time of holding the Circuit Court, in the counties of Kosciusko and Noble, of the Fourteenth Judicial Circuit.”

Also, Enrolled act No. 244, entitled “ An act to amend the sixth section of an act entitled ‘ An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,’ ” approved March 5, 1859.

And that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

Mr. Wildman presented a claim from the Lafayette and Indianapolis Railroad for \$496 25 cents.

Which was referred to the Committee on Claims.

Mr. Williams of St. Joseph, obtained leave of absence for to day.

Mr. Lamborn obtained leave of absence for to day.

Messrs. Ruddell and Williams obtained leave of absence for to day, being away with a committee.

Mr. Osborn obtained leave of absence for to day.

Mr. Coffroth moved that the House do now adjourn.
Which was not agreed to.

On motion, a call of the House was ordered.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmayer, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Suuman, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Zenor, Zollars and Mr. Speaker—66.

No quorum being present, the Speaker ordered the doors closed and the absentees sent for.

Leave of absence was asked for Messrs. Tebbs and Wile.

Which was not granted.

Mr. Bowen asked for leave of absence for Mr. Underwood for to day.

Which was not granted.

Mr. Williams, of Hamilton, offered the following preamble and resolution :

WHEREAS, The heated air from the lower regions of this House appears to be greatly impregnated with carbonic acid gas, dust, and other foreign and impure agencies which are known to be deleterious and injurious to life and health : Therefore,

Resolved, That a committee of three be appointed to make arrangements to have this hall heated without the use of the heating apparatus under this hall during the balance of the session.

Mr. Mason moved to lay the resolution on the table.

Which was agreed to.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed enrolled Senate bill No. 133, entitled "An act amendatory of the act touching the removal and relocation of county seats."

Which is herewith transmitted for the signature of the Speaker.

Mr. Coffroth moved that the House do now adjourn.

The ayes and noes were demanded by ten members.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Cave, Coffroth, Cox, Cunningham, Hutchings, McDonald, McGregor, Miles, Mock, Montgomery, Odell, Overmyer, Pierce of Vigo, Shoaff, Sleeth, Underwood and Zollars—23.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Calvert, Carnahan, Chapman, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Lawler, Logan, Long, Millekan, Miller, Mitchell, Monroe, Neff, Sabin, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Rush, Sunman, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Zenor, and Mr. Speaker—44.

So the motion to adjourn did not prevail.

The Doorkeeper announced Mr. Underwood and Mr. Pierce of Porter present.

On motion, they were excused.

On motion, the further proceedings under the call were dispensed with.

SENATE BILLS ON THIRD READING.

Senate joint resolution No. 7. A joint resolution requesting our Representatives and instructing our Senators in Congress to use their influence and vote for the repeal of the tenure of office law.

Was read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Logan, Long, McDonald, McGregor, Millekan, Mitchell, Miller, Miles, Mock, Montgomery, Neff, Odell, Overmyer, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Welborn, Wildman and Zenor—59.

Those who voted in the negative were,

Messrs. Davidson, Dunn, Fairchild, Greene, Monroe, Smith, Zollars and Mr. Speaker—8.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the resolution.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Buskirk obtained leave of absence on account of sickness.

Engrossed Senate bill No. 142. A bill to revise and amend section five of the County Surveyors act.

Was read a third time.

Mr. Pierce, of Porter, moved to refer it to the Committee on County and Township Business, with instructions as follows, to-wit :

Add the following section to the proposed amendment :

That section three of the above entitled act is hereby amended to read as follows : " Whenever the owner of any land within this State, after having given ten days notice to the owners of adjoining lands, if such owner reside in the county, and if not, by publication three weeks successively, in a newspaper nearest to such land, shall devise, establish, re-locate, or perpetuate any corner thereto, or in the same section or line thereof, such County Surveyor shall proceed to make the required surveys and location, and if a corner is perpetuated, shall deposit in the proper place a stone or other durable material, with letters and figures answering to such corner thereon ; and shall also enter into his field notes one or more leaving trees, if their be such, the species and size, course and distance thereof, all of which proceedings shall be entered by him in a book to be kept for that purpose ; the expense of which publication and survey shall be borne equally by all persons interested, and if the fees of the surveyor are not paid by the parties at the time of making the survey, such surveyor may hand over a certified statement of the amount due from them for such publication and survey to the auditor of the county, who shall enter it upon his tax duplicate against such persons, and cause it to be collected in the same manner with the taxes assessed against such persons.

Which was agreed to.

Engrossed Senate bill No. 123. A bill to amend the 17th section of the act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cunningham, Davidson, Dunn, Field of Lake, Field of Lagrange, Fuller,

Furnas, Gilham, Gordon, Greene, Higgins Hutson, Johnson of Montgomery, Johnson of Parke, Kercheval, Logan, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Overmyer, Pierce of Porter, Pierce of Vigo, Skidmore, Stephenson, Stewart of Ohio, Sunman, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Zollars and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Baker, Cox, Dittemore, Johnson of St. Joseph, Long Millekan, Montgomery, Neff, Odell, Sabin, Shoaff, Shoemaker, Smith, Stewart of Rush, Welborn and Zenor—16.

No quorum voting.

Mr. Dittemore moved that the House do now adjourn.

It was not agreed to.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barritt, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cox, Cunningham, Davidson, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Pierce of Vigo, Pierce of Porter, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Zenor, Zollars and Mr. Speaker—68.

A quorum being present, the further proceedings under the call was dispensed with.

The question being, shall Senate bill No. 123 pass?

Those who voted in the affirmative were,

Messrs. Addison, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, David-

son, Dunn, Fairechild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Kercheval, Logan, Long, McDonald, Millekan, Mock, Monroe, Pierce of Porter, Pierce of Vigo, Shoemaker, Skidmore, Stephenson, Stewart of Ohio, Sunman, Vardeman, Vater, Wildman, Williams of Hamilton, Zollars and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Admire, Baker, Cox, Cunningham, Dittmore, Johnson of St. Joseph, McGregor, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Sabin, Sleeth, Smith, Stewart of Rush, Underwood, Welborn and Zenor—20.

So the bill failed to pass for the want of a constitutional majority.

Senate Joint Resolution No. 12. A Joint Resolution instructing our Senators, and requesting our Representatives in Congress, to secure the passage of an act for the adjustment of claims due Mary Burress, a resident of Martin county, State of Indiana, widow of Charles Burress, deceased, late private of Company B, 80th Regiment Indiana Volunteer Infantry.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cox, Cunningham, Davidson, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Zenor and Zollars—69.

No member voting in the negative.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the resolution?

It was so ordered.

Ordered, That the Clerk inform the Senate of the same.

Engrossed Senate bill No. 94. A bill touching the consolidation of railroads and declaring the effect of such consolidations.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Davidson, Dunn, Fairchild, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higgins, Hutchings, Johnson of Parke, Johnson of Marshall, Kercheval, Long, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Pierce of Porter, Pierce of Vigo, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Welborn, Wildman, Zennor Zollars, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Cory, Dittmore, Field of Lake, Fuller, Gilham, Hutson, Lawler, Logan, McDonald, Sabin and Williams of Hamilton—11.

So the bill passed.

The question being shall the title as read, stand as the title of the bill.

Mr. Coffroth offered the following amendment:

“And to require the majority of the Board of Directors of Railroad Companies to be *bona fide* residents of this State; and also to require the principal officer of said railroad companies to be located within this State; and also to prescribe penalty for its violation.”

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Pierce, of Porter, moved to take up the Senate message in reference to the 22d day of February.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate concurrent resolution in relation to the celebration of Washington's Birth Day.

In which the concurrence of the House is requested.

Also, that the President has signed enrolled Senate act No. 227, entitled "An act to fix the time of holding Courts of Common Pleas in the counties of Jennings, Lawrence, Jackson and Bartholomew, repealing all laws inconsistent therewith, and declaring an emergency."

Which is herewith transmitted for the signature of the Speaker.

The Speaker announced that he had signed enrolled act No. 227 of the Senate.

WHEREAS, The twenty-second day of February now approaching brings to us the anniversary of the birthday of that wise statesman and most illustrious patriot, George Washington, whose name will be honored and revered among men as long as prœminent virtues and exalted greatness of character shall command respect,

AND WHEREAS, It is both proper and customary for men to commemorate by public demonstrations the memory and the anniversary of the birth of those who have greatly served their country and been benefactors of their race; therefore

Be it resolved by the Senate of the State of Indiana, (the House of Representatives concurring,) That in honor of the birthday of

Washington, the Adjutant General be and is hereby directed to cause a national salute of thirty-seven guns to be fired in front of the State House at 12 o'clock, on the next ensuing twenty-second day of February.

Mr. Fuller offered the following amendment: Amend by striking out twelve o'clock and insert six to-day.

The question being on the adoption of the amendment.

It was agreed to.

The question being on concurring in the resolution as amended.

It was agreed to.

Mr. Beeler offered the following resolution:

Resolved, That for the remainder of the session this House shall meet at nine o'clock A. M.

Which was adopted.

Mr. Dittmore moved that the House do now adjourn.

One-tenth of the members demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Barritt, Chapman, Cory, Cox, Cunningham, Dittmore, Fuller, Hutchings, Kercheval, Lawler, Long, McDonald, McGregor, Miles, Mitchell, Mock, Pierce of Porter, Pierce of Vigo, Smith, Sunman, Welborn—22.

Those who voted in the negative were,

Messrs. Admire, Baker, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Logan, Millekan, Miller, Monroe, Montgomery, Neff, Odell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Rush, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Zenor, Zollars and Mr. Speaker—48.

So the motion to adjourn did not prevail.

Engrossed Senate bill No. 96, entitled a bill prohibiting Supreme, Circuit, or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Court of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs and their deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.

Which was read a third time, and the question being, shall the bill pass?

Mr. Zollars moved to refer the bill to the Committee on the Judiciary.

Mr. Odell moved to lay the motion on the table.

Messrs. Dittemore and Miles demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Beatty, Bowen, Breckinridge, Calvert, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Fairchild, Field of Lake, Field of Lagrange, Gordon, Greene, Higgins, Hutchings, Johnson of Parke, Johnson of St. Joseph, Kerecheval, Logan, McDonald, Millekan, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Sabin, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Varde-man, Welborn, Wildman and Williams of Hamilton—45.

Those who voted in the negative were,

Messrs. Bates, Carnahan, Cave, Dittemore, Dunn, Fuller, Furnas, Gilham, Johnson of Montgomery, Lawler, Long, McGregor, Miles, Pierce of Porter, Shoaff, Shoemaker, Sunman, Underwood, Vater, Zenor, Zollars and Mr. Speaker—22.

So the motion to lay on the table prevailed.

Mr. Zollars moved to indefinitely postpone the further consideration of the bill.

Mr. Johnson, of Marshall, moved to lay the motion on the table.

Messrs. Dittemore and Zollars demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Bates, Beeler, Beatty, Bowen, Breckinridge, Cave, Chapman, Chittenden, Coffroth, Cox, Cunningham, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Logan, Millekan, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Pierce of Porter, Sabin, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Vardeman, Welborn, Wildman, Williams of Hamilton and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Calvert, Carnahan, Dittemore, Fuller, Hutchings, Lawler, Long, McDonald, McGregor, Miles, Shoaff, Shoemaker, Underwood, Vater, Zenor and Zollars—16.

So the motion to lay on the table prevailed.

The question recurring on the passage of the bill,

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Beatty, Bowen, Breckinridge, Calvert, Chapman, Coffroth, Cory, Cox, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of St. Joseph, Kercheval, Logan, Millekan, Miller, Mitchell, Monroe, Montgomery, Neff, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Sabin, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Vardeman, Vater and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Bates, Carnahan, Cave, Chittenden, Cunningham, Dittemore, Fuller, Furnas, Lawler, Long, McDonald, McGregor, Miles, Mock, Shoemaker, Shoaff, Underwood, Welborn, Williams of Hamilton, Zenor and Zollars—23.

So the bill failed to pass for want of a constitutional majority.

The Speaker announced that he had signed enrolled Senate bill¹ No. 133.

On motion by Mr. Coffroth, the House adjourned.

TUESDAY MORNING, 9 o'clock, }
February 23, 1869. }

The House met.

Mr. Hamilton moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal of yesterday was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Underwood presented two petitions from the citizens of Milton, Wayne county, praying for the passage of a prohibitory liquor law.

Which were referred to the Committee on Temperance.

Mr. Breckinridge presented a petition from several citizens of Tippecanoe county, in regard to a Homœopathic Professorship in the proposed Medical College.

Which was referred to the Committee on Rights and Privileges.

Mr. Smith presented two petitions from sundry citizens of Wabash county, praying for a stringent and effectual liquor law.

Which were referred to the Committee on Temperance.

Mr. Barritt presented a petition, signed by sundry citizens, asking for a Homœopathic Department in the proposed Medical School in connection with the State University at Bloomington.

Which was referred to the Committee on Rights and Privileges.

Mr. Osborn presented the following memorial from the Commissioners of Putnam county :

State of Indiana, Putnam county :

We, the undersigned County Commissioners of Putnam county, propose to donate the amount of one hundred thousand dollars to

the Agricultural College; *Provided*, said College is located in Putnam county. If the College is located as asked for, the amount will be issued in bonds that will become due at the expiration of ten years, and then payable in the amount of ten thousand dollars yearly, with interest on the same at the rate of seven per cent; the Board reserving the right to redeem these bonds previous to that time.

Yours, respectfully,

H. M. ROCKWELL,

THOS. A. OWEN,

JOHN W. McNARY,

Commissioners of Putnam County.

GREENCASTLE, February 22, 1869.

Which was referred to the Special Committee on the Agricultural College.

Mr. Bowen presented two petitions, from sundry citizens of Wayne county, praying for a law prohibiting the traffic in intoxicating liquors as a beverage.

Which were referred to the Committee on Temperance.

Mr. Hutchings presented a petition from the members of Captains Mullen and Steinberger's companies of Minute Men, called out on the invasion of Kirby Smith, praying for pay for services rendered.

Which was referred to the Committee on Claims.

Mr. Higbee presented a petition, from several citizens of Kosciusko county, praying for the passage of a law prohibiting the sale of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Davidson presented a petition from the citizens of Fulton county, praying for the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Odell presented a petition, signed by sundry citizens of Fulton county, asking for a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Stewart, of Ohio, presented a petition from sundry citizens

asking for the establishment of a Homœopathic Department in the contemplated Medical College.

Which was referred to the Committee on Rights and Privileges.

Mr. Shoaff presented a petition from citizens of Switzerland county, praying for the repeal of the Gravel Road law.

Which was Referred to the Committee on Roads.

Mr. Lawler presented two petitions from citizens of Cass county, asking for the passage of a prohibitory liquor law.

Which were referred to the Committee on Temperance.

Mr. Lawler presented several petitions, signed by sundry citizens, asking for a law prohibiting the traffic in intoxicating liquors as a beverage.

Which were referred to the Committee on Temperance.

Mr. Smith presented a petition signed by sundry citizens, asking for a Homœopathic department in the proposed Medical School in connection with the State University at Bloomington.

Which was referred to the Committee on Rights and Privileges.

Mr. Overmyer presented a petition from a number of citizens of this State in regard to a separate Professorship for teaching the peculiar views of Homœopathic practitioners of Medicine, in the proposed State Medical College.

Which was referred to the Committee on Rights and Privileges.

Mr. Osborn presented a communication from James T. Matlock, of Danville, Indiana, in regard to the law of limitations against individuals who were in the army.

Which was referred to the Committee on Rights and Privileges.

REPORTS FROM STANDING COMMITTEES.

Mr. Dunn, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 148, a bill in relation to the payment of costs in certain

appeal cases under the act in relation to public and private highways, have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 185, a bill to provide for the publication of all legal notices now or hereafter authorized by law, including the delinquent tax list, in two papers of each county in which the same are now by law required to be published, the papers to be selected representing two political parties, and declaring an emergency, have had the same under consideration, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Gordon, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 210, " A bill to compel witnesses in civil actions to testify to all matters pertaining to the issues, and to require parties to all civil actions to answer all interrogations filed with the pleadings," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Carnahan, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 250, entitled " A bill to exempt from execution a homestead of \$1,000 to each householder who is the head of a family;" have had the same

under consideration and a majority of the committee have instructed me to report the bill back to this House and recommend its passage.

Which report was laid on the table.

Mr. Hutchings, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom was referred House bill No. 262, an act to amend sections three and eight of an act approved March 1863, to provide for the inspection of Petroleum for illuminating purposes, marking and branding the same, prescribing penalty for selling without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act, for the appointment of inspectors and deputies, and terms of office, and imposing penalties for inspectors or deputies trading in any article they are appointed to inspect, have had the same under consideration, and they beg leave to report it back and recommend its passage.

Which was laid on the table.

Mr. Higgins, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 169, entitled a bill to amend sections two and twenty-two of an act concerning enclosures, trespassing animals, &c., approved June 4, 1852, have had the same under consideration, and have instructed me to report the same back to the House with the following amendments to the bill.

Amend by striking out sections one and two of the bill, and when so amended, recommend its passage.

Which report was laid on the table.

Mr. Fuller moved to suspend the regular order of business for the purpose of taking up House bills on third reading.

Which was agreed to.

Mr. McFadin moved that the House proceed to the consideration of message from the Senate, from the Special Committee, in reference to rules.

Which was not agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 110. A bill to amend section forty-seven of an act entitled an act to provide for opening, vacating and change of highways, approved June 17, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Cox, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miles, Mitchell, Mock, Monroe, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ruddel, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Admire, Chapman, Coffroth, Cory, Cunningham, Davidson, Dittmore, Johnson of Marshall, Jump, Kercheval, Lamborn, Miller, Neff, Pierce of Porter, Tebbs, Welborn, Wile, Williams of St. Joseph—17.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 50. A bill to amend sections one and three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cunningham, Davidson, Davis, Dittmer, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Sunman, Tebbs, Underwood, Vardeman, Vatter, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Sabin, Shoaff, Sleeth, Stewart of Rush, and Tabor—5.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 72. "A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein.

Read a third time, with amendments.

Pending the question being on the adoption of the amendments,
They were agreed to.

The question being, shall the bill pass?

SPECIAL ORDER FOR THE DAY.

The hour of 10 o'clock having arrived, being the hour for the consideration of House bill No. 172, the same was taken up,

And, on motion of Mr. Cory, was made the special order for 10 o'clock to-morrow.

The question recurring on the passage of House bill No. 72,

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tabor, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—83.

Mr. Williams, of Knox, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Coffroth moved to take up House bill No. 96, which failed to pass on a previous day, for the want of a constitutional majority.

Which was agreed to.

Engrossed Senate bill No. 96. A bill prohibiting Supreme, Circuit, or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Court of Common Pleas, Auditors, Treasurers, Recordors, Sheriffs and their deputies, from practicing law in any of the courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.

Was taken up, having been read a third time on a previous day.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Bowen, Breckinridge, Calvert, Chapman, Coffroth, Cory, Cox, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Logan, McFadin, Millekan, Miller, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Williams and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Barritt, Bates, Beeler, Carnahan, Cave, Chittenden, Cunningham, Dittmore, Fuller, Hamilton, Lawler, Lamborn, Long, McDonald, McGregor, Miles, Mock, Sabin, Shoaff, Shoemaker, Tabor, Tebbs, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor and Zollars—29.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 36. A bill concerning vagrants and proceedings against the same.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beeler, Bowen, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lorange, Furnas, Gilham, Gordon, Hall, Higgins, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Osborne, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Sunman, Tebbs, Taber, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Addison, Bobo, Fuller, Neff and Shoaff—5.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 92. A bill to amend section one of an act entitled an act to establish a House of Refuge for the correction of juvenile offenders, approved March 8, 1864.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth,

Cory, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Lawler, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Néff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams, of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—84.

Those who voted in the negative were,

Messrs. Admire and Williams of Knox—2

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

House bill No. 97. A bill authorizing certain county auditors to correct their reports to the Superintendent of Public Instruction relating to the School Funds, Common and Congressional, as required by act, approved December 21, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Carrihan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Lawler, Logan, Long, Mc-

Donald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Weborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—84.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Skidmore offered the following amendment:

Amend title by inserting after the word act, "Entitled an act requiring County Auditors to make examination of the records in their offices in relation to School Funds and make report, and providing compensation therefor, and declaring an emergency."

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 57 entitled, "A bill to amend section 445 of an act entitled an act to revise, simplify and abridge the rules of practice, pleading and forms in civil cases in the Courts of the State; to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," was read a third time.

Mr. Pierce, of Vigo, moved to refer the bill to the Committee on the Judiciary, with instructions.

Which was agreed to.

Engrossed House bill No. 123. A bill to amend section 3 of an

act entitled, an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, approved March 5, 1859, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cox, Davidson, Davis, Dunn, Dittmore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—81.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

On motion by Mr. Williams, of Knox, Senate message, just received, was taken up.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolution:

Resolved, By the Senate, that House bill No. 248, sent to the Senate as an engrossed House bill, be returned to the House, because, from several erasures and additions made in pencil and appearing in the body thereof, it would appear that the same is not an engrossed bill and was erroneously sent as such to the Senate.

In obedience, therefore, to the directions of the Senate, said House bill No. 248 is herewith returned.

House bill No. 248 was ordered to be engrossed and sent back to the Senate.

Engrossed House bill No. 76. A bill to regulate the tenure of certain township officers, and repealing all acts and parts of acts in conflict therewith, and declaring an emergency, was read a third time.

On motion of Mr. Lawler, it was laid on the table.

Engrossed House bill No. 127. A bill authorizing Connty Recorders to demand and receive their fees for recording, at the time, deeds, mortgages and other papers, which are presented to them for record, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cox, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neft, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, Zollars, and Mr. Speaker—86.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 68. Entitled a bill to amend sections 63 and 69 of chapter XII of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor, Zollars, and Mr. Speaker—80..

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered .

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Chittenden obtained leave of absence till to-morrow.

Engrossed House bill No. 71. A bill to amend section 13 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and repealing all laws in conflict herewith, and declaring an emergency.

Was read a third time.

Mr. Johnson, of Parke, offered the following:

Amend the title of House bill No. 71 by striking out "13" wherever it occurs, and insert "31." Further, amend the title by inserting at the proper place the following words, viz: "And to regulate the assessment of real estate in cities."

Amend section one of said bill by striking out "13" wherever it occurs, and inserting "31." Further, amend section one by adding thereto the following words, viz: "*Provided, further*, That all real estate within the corporate limits of such city, or town, shall be liable to taxation, to raise revenue therefor, that is or may be liable to taxation for the State and county purposes, and the assessor shall make such assessment and return as in this section provided.

Which was agreed to.

Mr. Vater moved to recommit to the Committee on Cities and Towns, with instructions to perfect the same so as to include cities.

Which was not agreed to.

Mr. Cory moved to postpone the bill indefinitely.

Messrs. Johnson of Parke, and Field of Lake, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Calvert, Carnahan, Cave, Cory, Cunningham, Dittimore, Dunn, Fairechild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Higbee, Hutchings, Hutson, Hyatt, Johnson

of Montgomery, Jump, Lawler, Lamborn, Logan, McDonald, McGregor, Millekan, Mitchell, Mock, Montgomery, Pierce of Vigo, Shoemaker, Smith, Stewart of Rush, Sunman, Taber, Tebbs, Welborn, Wildman, Williams of Knox, Williams of Union and Zenor—49.

Those who voted in the negative were,

Messrs. Barritt, Bowen, Chapman, Davidson, Davis, Higgins, Johnson of Parke, Johnson of Marshall, McFadin, Miller, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Sabin, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Underwood, Vardeman, Vater, Wile, Williams of St. Joseph, Zollars and Mr. Speaker—29.

So the motion to postpone indefinitely prevailed.

Engrossed House bill No. 167. A bill defining certain misdemeanors and prescribing punishment therefor, and fixing the fees of certain officers in prosecutions under this act, and preventing minors from playing in public billiard saloons.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Bobo, Bowen, Carnahan, Chapman, Cory, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, Long, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Osborn, Overmyer, Pierce of Porter, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—65.

Those who voted in the negative were,

Messrs. Beeler, Calvert, Cave, Cox, Cunningham, Fuller, Lam-

born, McDonald, McFadin, Palmer, Pierce of Vigo, Welborn, Wile and Mr. Speaker—14.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

On motion of Mr. Zenor the House adjourned.

TUESDAY, 2 O'CLOCK P. M.

The House met.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 78.

The same was taken up.

The House resolved itself into a Committee of the whole, Mr. Stewart of Rush, in the Chair.

After remaining in session for some time, the committee arose and submitted the following report:

MR. SPEAKER:

The Committee of the Whole House, to whom was referred House bill No. 78, and accompanying amendments, have had the same under consideration, and have directed me to report the same back with the accompanying substitute and amendments.

On motion by Mr. Williams of Knox, the report was concurred in.

Mr. Gordon offered the following substitute :

Strike out all after the enacting clause and insert the following :

That the Clerk, Auditor, Sheriff and Treasurer shall each receive the sum of twelve hundred dollars annually for their services, and no more, except as provided for in this act, said sum to be retained quarterly from fees collected, as now provided by law.

SEC. 2. There shall be allowed, in addition to the compensation for services, as provided for in the first section of this act, for the pay of clerks or deputies for said officers, the following amounts: In counties with a voting population of three thousand, the Clerk, Auditor and Sheriff shall each receive annually the sum of six hundred dollars, and three hundred dollars for each additional one thousand votes; and the Treasurer shall receive four hundred dollars for each additional one thousand votes: *Provided, however,* That the Treasurer shall receive the fees and perquisites for the collection of delinquent taxes, as now provided by law.

SEC. 3. The Clerk, Auditor, Sheriff and Treasurer shall keep an accurate account, in a fee book kept for that purpose, of all the fees and charges allowed by law for any and all services performed in an official capacity, either by themselves, their clerks, or deputies.

SEC. 4. The Clerk, Auditor, Sheriff and Treasurer shall, at the expiration of each of their terms of service, pay into the County Treasury all moneys received by them as fees or charges for official services over and above their quarterly allowance for the preceding quarter, taking the Treasurer's receipt for the same, designating in the receipt in what quarter said moneys or fees was collected, said receipt to be filed with the County Auditor, taking his quietus for the same. The Treasurer and Auditor shall register and receipt in the county register of receipts, as in other cases where the law requires registration.

SEC. 5. Said Clerks, Auditor, Sheriff and Treasurer shall each make report, under oath, to the Board of County Commissioners of their respective counties, at the third day of each regular term of said Board of all official fees and charges made either by them-

selves or deputies, during the preceding three months, giving the name of each person charged with fees, and amount charged, the amount collected, and from where, deducting the amount paid from the amount charged, showing the amount of fees in the aggregate unpaid; said report shall be examined and compared with the fee book of each officer by said Board, and if adjudged to be correct and in full compliance with this act shall order the same to be recorded on their order book, with an order of said Board approving said reports as being correct; if, however, said Board have reason to believe that said reports, or either of them, are incorrect, they shall make an order disapproving the same.

SEC. 6. Any Clerk, Auditor, Sheriff or Treasurer, who shall make any false report, or fail, or refuse to report as required by this act, shall be guilty of a misdemeanor, and upon conviction thereof by any Court having competent jurisdiction, shall be fined in any sum not less than five hundred dollars, nor more than ten thousand, to which may be added imprisonment in the county jail for any term not exceeding sixty days.

SEC. 7. In addition to the annual compensation allowed the Clerk and Sheriff, as provided in the first section of this act, they shall be allowed ten per cent. on all fees remaining uncollected at the time of said quarterly reports, for collecting the same.

SEC. 8. *Be it further enacted*, That for the purpose of ascertaining the amount to be allowed county officers for the employment of clerks or deputies as provided for in this act, the Board of County Commissioners shall in all cases be governed by the registration, or number of legal voters at the last general election.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from and after the first Monday of June, A. D. —, and that all laws and parts of laws coming in conflict with this act are hereby repealed.

Mr. Osborn offered the following amendment.

Amend by striking out all in relation to Clerk's fees and salaries in the Circuit and Court of Common Pleas, and insert the following:

The Clerk of the Circuit and Court of Common Pleas shall be entitled to and receive the following fees :

For every writ, summons and subpœna, 50 cts. and no more.

Copy of any paper or record, per sheet of 100 words, per 100 words, 15 cts. and no more.

Entering satisfaction of record, 25 cts. and no more.

Entering judgment, 25 cts. and no more.

Entering on docket, 25 cts. and no more.

Empanneling and swearing each jury, 25 cts. and no more.

Making complete record per 100 words, 15 cts. and no more.

Entering rule of Court and appointing referees, 20 cts. and no more.

Entering continuance of cause, 25 cts. and no more.

Making out notice for non-resident defendants, 50 cts. and no more.

For marriage license and recording certificate thereof, \$1 50, and no more.

Recording certificate of an estray, 50 cts. and no more.

Taking bail for stay of execution, 25 cts. and no more.

Issuing fee bill, with and according to law, 50 cts. and no more.

Filing and recording transcript, as a lien on land, in addition to 15 cts. per 100 words, 50 cts. and no more.

Each certificate to a person desirous of borrowing school funds or other funds as required by law to be paid by such person, 25 cts. and no more.

For writing and swearing party to each affidavit, 25 cts. and no more.

For each certificate and seal appended to any paper for which no other fees are allowed, 50 cts. and no more.

For each writ of habeas corpus in vacation, 50 cts. and no more.

SEC. —. The Clerk's fees in criminal proceedings shall be as follows, to wit:

For taking and recognizance, 50 cts. and no more.

Every writ or subpœna, 50 cts. and no more.

Making record, per 100 words, 15 cts. and no more.

Copy of record, per 100 words, 15 cts. and no more.

Entering pannel, and swearing each jury, 25 cts. and no more.

For services in criminal cases not specifically provided for herein, same fees as are now allowed for similar services in civil cases.

The Clerk's fees in relation to estates and guardianship, shall be as follows, to wit:

For all copies, per 100 words, 10 cts. and no more.

Each writ required by law, 50 cts. and no more.

For letters of administration and guardianship, and recording the same, and filing all papers connected therewith, \$1 00, and no more.

Qualifying administrator, executor or guardian, \$1 00, and no more.

Proving codicil, and indorsing certificate, \$1 00, and no more.

Recording inventory or account, per 100 words, \$1 00, and no more.

Giving each notice required by law, 50 cts. and no more.

Recording will, per 100 words, 15 cts. and no more.

For writing affidavit and swearing party to it, 25 cts. and no more.

For entering continuance on any estate and guardianship, 20 cts. and no more.

For certificate and seal in any case where no other fee is assured, 50 cts. and no more.

For making up entries and records not herein otherwise provided for, each one hundred words, 12½ cts. and no more.

For every trial, 25 cts. and no more.

The Clerk shall be allowed no fees or compensation which are not specifically provided for by law, and in no case shall it be lawful to charge more than one class of fees for any official act, and no allowance for extra services shall be made by any Court or Board of County Commissioners, to any Clerk, to be paid out of the county treasury.

Strike out all in relation to County Auditors' fees, and insert, at the proper place, the following :

The County Auditors' fees shall be as follows :

For all words, copies, and other writings, for each one hundred words, counting three figures as one word, 10 cents and no more.

Tax certificate, 25 cts. and no more.

Each record of agreement, 25 cts. and no more.

Each acknowledgment of deed, to be paid by the person for whom the service is rendered, 25 cts. and no more.

Assignment of tax and school certificate, and recording the same, to be paid by the assignor, 25 cts. and no more.

Each tax deed, to be paid by the person receiving such deed, \$1.00 and no more.

Each constable's bond, oath, and registration of the same, to be paid by such constable, \$1.00 and no more.

Each certificate and seal, to be paid by the person requesting the same, 50 cts. and no more.

Each mortgage, to secure a loan of school fund, to be paid by the mortgagor, 50 cts. and no more.

Writing any affidavit, necessarily connected with the business of his office, and swearing the officers, 25 cts. and no more.

Each license, 50 cts. and no more.

Each bond taken in the discharge of his duty, 25 cts. and no more.

Each quietus for land redeemed, to be paid by the person redeeming, 25 cts. and no more.

Each writ, notice, or process, required to be under seal, without any other charge, 50 cts. and no more.

If not under seal, 25 cts. and no more.

Each day engaged in the County Board of Equalization, \$1.50 and no more.

In trials before the Board of County Commissioners, the Auditor shall be entitled to the same fees as are allowed Clerks of the Circuit Court for similar services, when no specific fee is fixed in this act, which shall be paid by the county, or other person, as the right of the case may be, as such Board or Court may order, and the Auditor shall be allowed no fees or compensation for his services not specifically provided for by law.

Mr. Williams, of Knox, moved to refer the bill and all amendments and substitutes, to a committee of one from each Congressional District.

Mr. Bobo offered the following:

“Amend by inserting a specific Fee Bill for County officers.”

Mr. Fuller moved to lay the amendment offered by Mr. Bobo upon the table.

Messrs. Coffroth and Williams of Knox, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barnett, Coffroth, Cory, Cunningham, Dittmore, Duun, Greene, Hamilton, Johnson of Parke, McGregor,

Odell, Overmyer, Pierce of Vigo, Stephenson, Vater, Wildman, Williams of Hamilton, Zollars and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Addison, Baker, Barritt, Bates, Beatty, Beeler, Bobo, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cox, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kerchival, Lawler, Lamborn, Logan, Long, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Palmer, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—66.

So the amendment was not laid on the table.

Mr. Pierce, of Vigo, moved that the whole subject matter be indefinitely postponed.

Mr. Mitchell moved to lay the motion on the table.

Messrs. Dittimore and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Breckinridge, Calvert, Chapman, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, Long, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery Neff, Odell, Osborn, Palmer, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Addison, Barritt, Carnahan, Cave, Dittimore, Fuller,

Furnas, Higbee, Lamborn, McDonald, Mock, Overmyer, Pierce of Vigo, Stewart of Ohio, Sumnan, Tebbs and Wile—17.

So the motion to lay the motion on the table prevailed.

Mr. Vater offered the following instructions :

Instruct the committee to secure in the bill a provision prohibiting any allowance to any county officer by the Judge of any Court, or by any County Board.

Mr. McDonald moved to lay the instructions on the table.

Which was agreed to.

Mr. Ruddell offered the following :

Amend by providing that no such allowance be made in favor of any officer, the proceeds of whose office amounts to two thousand dollars (\$2,000).

The question recurring on the motion made by Williams, of Knox.

It was agreed to.

Mr. Bobo moved to suspend the regular order of business, for the purpose of offering a resolution.

Which was agreed to.

Mr. Neff moved that the House do now adjourn.

Which was not agreed to.

Mr. Bobo offered the following resolution :

Resolved, By the House of Representatives, the Senate concurring therein, that the Governor be requested to return to this House Senate bill No. 133, for further consideration.

Mr. Wildman moved that when the House adjourn, it be until 7½ o'clock this evening.

Which was not agreed to.

On motion, by Mr. Ruddell, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, }
February 24th, 1869. }

The House met.

The Speaker announced the following Committee on Fees and Salaries—House bill No. 78:

First District—Williams, of Knox.

Second District—Long.

Third District—Monroe.

Fourth District—Cory.

Fifth District—Osborn.

Sixth District—Dunn.

Seventh District—Gordon.

Eighth District—Stephens.

Ninth District—Bobo.

Tenth District—Coffroth.

Eleventh District—Davidson.

Mr. Higgins moved that the names of Messrs. Kercheval, Wildman and Shoemaker be added to the Committee.

Which was agreed to.

Mr. Stanton obtained leave of absence for to-day noon, on account of sickness in his family.

Mr. Cunningham moved that the reading of the Journal be dispensed with.

It was not agreed to.

The Clerk proceeded to read the Journal.

Mr. McFadin moved that the reading of the Journal be dispensed with.

Which was agreed to.

By consent, the amendment to House bill No. 105 was taken up and read, for the purpose of taking its place upon the files.

The question being on concurring in the pending amendment.

It was agreed to.

Mr. Hall obtained leave of absence until noon to-day.

Mr. Williams, of Knox, moved that House bill No. 105 be made a special order for to-morrow, at 10 o'clock.

Mr. Odell offered the following amendment:

Such railroad company shall stop all regular trains, at all regular stations when properly signaled, to take off or on passengers.

Mr. Osborn moved to amend the motion of Mr. Williams, of Knox, that all bills and amendments on the subject of railroads, be made a special order for 10 o'clock to-morrow.

Mr. Stewart, of Rush offered the following amendment:

Amend the first section by striking out all after the words "to-wit," in — line and insert the following:

"For transporting any of the aforesaid articles any distance not exceeding ten miles, and more than one cent per mile, for each one hundred pounds, and for any distance over ten miles and not exceeding twenty miles, not more than three-fourths of a cent per mile for each 100 pounds, and for any distance over twenty miles and not exceeding thirty miles, two-thirds of one cent per mile for each one hundred pounds, and for any distance over thirty miles, not exceeding one-half of one cent per mile, for each one hundred pounds so carried as aforesaid: *Provided*, nothing herein contained shall be so construed as to compel the carrying of any package or quantity of goods, any distance for less than twenty-five cents."

Further amend by striking out the 4th and — sections entire.

The question recurring on the motion of Mr. Osborn.

It was agreed to.

Mr. Coffroth offered the following resolution:

Resolved, That the Principal Clerk of the House, be permitted

to employ an additional Enrolling Clerk, and one Messenger Clerk, from this time to the close of the session, to be paid for the time actually employed.

Which was agreed to.

Mr. Williams of Knox, presented a petition from one hundred and eight citizens of Knox county, praying for the establishment of a Homœopathic Department in the contemplated Medical College in connection with the State University, at Bloomington.

Which was referred to the Committee on Rights and Privileges.

Mr. Monroe presented a Memorial from the Trustees of the Soldiers' Home.

Which was referred to the Committee on Claims.

Mr. Beeler presented a Petition from citizens of the State asking a Prohibitory Liquor Law.

Which was referred to the Committee on Temperance.

Mr. Barnett offered a Petition from several citizens of Pulaski county, praying for the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

Mr. Stephenson presented two Petitions from sundry citizens of Hamilton county, praying for a Prohibitory Liquor Law.

Which was referred to the Committee on Temperance.

Mr. Shoaff presented a petition from citizens of Jay county, praying for the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Miles presented a petition from citizens of Sullivan county, asking an amendment to the gravel road law.

Which was referred to the Committee on Roads.

Mr. Wile presented a petition from citizens of Laporte county, praying for a reduction of fees of county officers.

Which was referred to a Select Committee of one from each Congressional District.

Mr. Tebbs presented a petition from citizens of Dearborn county, asking that State and county officers be made salaried officers, and that the office of State Printer be abolished, and the contract for printing be let to the lowest bidder.

Which was referred to the Committee on Fees and Salaries, consisting of one from each Congressional District.

Mr. Zollars presented a petition from citizens of Allen county, asking for a department of Homœopathy in the proposed Medical College.

Which was referred to the Committee on Rights and Privileges.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 202, entitled "A bill to make certain specific appropriations therein designated," and the same is herewith returned to the House.

REPORTS OF STANDING COMMITTEES.

By consent, the report of the Committee on House bill No. 129, indefinitely postponing the bill, was taken up from the table.

Mr. Osborn moved that the House do not concur in the report of the committee.

Mr. Williams, of Knox, moved to amend the motion of Mr. Osborn that the House do concur in the report of the Committee.

Which was agreed to, and the report of the committee concurred in.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 172, the same was then taken up.

The question being on concurring in the amendments reported by the committee,

Mr. Buskirk moved that the bill and amendments be postponed and made the special order for Friday next at 10 o'clock.

Which was agreed to.

Mr. Coffroth moved that the House do now resolve itself into a Committee of the Whole for the consideration of House bill No. 172, and amendments.

Which was not agreed to.

The question recurring on the adoption of the amendments offered by the committee,

Mr. Long moved that the bill and amendments be considered section by section.

Which was agreed to.

The question being on the adoption of the first section,

Mr. Buskirk offered the following resolution :

Resolved, That the bill and amendments reported by the committee, together with their whole report, be referred back to them with instructions to locate said Agricultural College at Bloomington, in connection with the State University.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed the following enrolled acts, to-wit :

Enrolled Senate act No. 56. Entitled "An act to amend sections 133 and 134 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17, 1852. Also,

Enrolled Senate act No. 138. Entitled "An act to amend the

second section of an act entitled an act to amend the 14th and 18th sections of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, approved May 11, 1869.

Also, Enrolled Senate act No. 222. Entitled an act to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency.

Also, Enrolled Senate act 256, entitled, "An act to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect."

Also, Enrolled Senate act 259, entitled, "An act to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road lands in St. Joseph county."

Also, Enrolled Senate act 268, entitled, "An act to amend section 1 of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the subject, and declaring when this act shall take effect."

Mr. Cory moved to lay the resolution of Mr. Buskirk on the table.

Messrs. Beeler and Chittenden demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Cave, Chapman, Cory, Cox, Cunningham, Dittmore, Fairchild, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Lawler, Lamborn, Logan, McGregor, Millekan, Miller, Montgomery, Palmer, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph—44.

H. J.—46

Those who voted in the negative were,

Messrs. Barritt, Beatty, Calvert, Carnahan, Chittenden, Davis, Dunn, Field of Lake, Field of Lagrange, Hyatt, Johnson of Parke, Johnson of Marshal, Jump, Long, Mason, McDonald, McFadin, Miles, Mitchell, ~~Moak~~, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Welborn, Wile, Williams of Knox, Williams of Union, Zenor and Zollars—41.

So the resolution was laid on the table.

Mr. Zollars moved to lay the whole matter on the table.

Which was not agreed to.

Mr. Osborn offered the following resolution :

Resolved, That the bill be recommitted, with instructions to amend the bill by locating the College at the point offering the best inducements in the way of donations, location and other facilities, in aid of the College.

Mr. Pierce, of Vigo, offered the following amendment :

Resolved, That the Trustees, selected and appointed under the provisions of the act establishing an Agricultural College, be authorized to locate said College in that county giving the largest donation of land and money toward the erection and furnishing of said College, provided such donation shall not be less than one hundred thousand dollars in money.

Mr. Vater offered the following amendment to the amendment :
By making it the duty of the Committee to consider the question of local advantages, as well as its amount of donation.

Pending the discussion, on motion by Mr. Zollars, the House adjourned.

WEDNESDAY, 2 O'CLOCK.

The House met.

Pending the adjournment was the consideration of House bill No. 172.

The question being on the adoption of the amendment to the amendment offered by Mr. Vater.

By consent, Mr. Pierce, of Vigo, withdrew his amendment to Mr. Osborn's resolution, together with Mr. Vater's.

The Speaker announced that he had signed Senate enrolled acts Nos. 56, 138, 222, 256, 259 and 268.

The question recurring on the resolution of Mr. Osborn.

Mr. Vater moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on recommitting the bill to the Committee.

Messrs. Dittmore and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowen, Carnahan, Cave, Chapman, Cox, Dunn, Hutson, Johnson of Montgomery, Kercheval, Long, Mason, Millekan, Neff, Odell, Osborn, Overmyer, Palmer, Sleeth, Stephenson, Underwood and Williams of St. Joseph—22.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Chittenden, Coffroth, Cory, Cunningham, Davidson, Davis, Dittmore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutchings, Hyatt, Johnson of Parke, Jump, Lawler, Lamborn, Logan, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile,

Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars and Mr. Speaker—69.

So the motion to recommit did not prevail.

Mr. Mitchell, from the Committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have carefully compared enrolled House bill No. 202 with the original bill, and find it in all respects correctly enrolled.

Mr. Williams, of Knox, offered the following amendment:

Amend section — by inserting “that the location of the Agricultural College shall be made by the State Board of Agriculture.

Mr. Coffroth moved that the House resolve itself into a Committee of the Whole.

SPECIAL ORDER FOR THE HOUR.

The hour having arrived for the consideration of House bill No. 52,

Mr. Stewart, of Rush, moved to take up the same.

Which was not agreed to.

The Speaker announced that he had signed House enrolled act No. 2.

The question recurring on the motion by Mr. Coffroth to go into a Committee of the Whole.

It was agreed to.

The House then resolved itself into a Committee of the Whole, Mr. Stewart, of Rush, in the chair.

After remaining in session some time, the Committee arose and made the following report:

MR. SPEAKER:

The Committee of the Whole House, to whom was referred

House bill No. 172, "An act creating, establishing and locating and providing for the maintenance of the Indiana College of Agriculture and the Mechanic Arts, providing a Board of Trustees therefor, and declaring an emergency," have had the same under consideration, and have directed me to report the same back to the House without recommendation.

Mr. Osborn moved that the report be laid on the table.

Which was agreed to.

Mr. Buskirk moved that House bill No. 172 be postponed until Saturday at 10 o'clock.

Mr. Dittmore moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion by Mr. Buskirk,

It was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President has signed the following enrolled act, to-wit:

Enrolled Senate act No. 27, entitled "An act authorizing the Bristol Hydraulic Company to erect and maintain a dam across the St. Joseph River at or near Bristol."

Also, Enrolled Senate act No. 119, entitled "An act to fix the time of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas District, providing for return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency."

Also, enrolled Senate act No. 178, entitled "An act to regulate the terms of the Circuit Courts of the First Judicial Circuit."

Also, enrolled Senate Joint Resolution No. 10, entitled "a Joint Resolution, instructing our Senators and requesting our Representatives in Congress to use their influence and vote against any measure to legalize coin contracts, until the United States shall redeem its treasury notes in coin."

Which are herewith transmitted for the signature of the Speaker.

Also, that the President has signed enrolled act No. 202, House of Representatives, entitled "An act to make certain specific appropriations therein designated."

Which is herewith returned to the House.

Mr. Williams, of Knox, moved to suspend the regular order of business, so as to introduce resolutions.

Mr. Dittmore moved to lay the motion on the table.

Messrs. Gordon and Dittmore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Calvert, Carnahan, Coffroth, Cory, Davidson, Dittmore, Field of Lake, Lawler, Mason, McFadin, Overmyer, Palmer, Shoaff, Shoemaker, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Wile, Williams of Hamilton, Zenor and Zollars—26.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Cave, Chapman, Chittenden, Cox, Cunningham, Davis, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Smith, Stephenson, Tabor, Underwood, Vater, Welborn, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—64.

So the motion was not laid on the table.

The question recurring on the motion by Mr. Williams of Knox,

Messrs. Monroe and Dittmore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bates, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Cave, Chapman, Coffroth, Cox, Dunn, Fairchild, Fuller, Fur-

nas, Gilham, Gordon, Greene, Hall, Higgins, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Millekan, Miller, Miles, Mitchell, Monroe, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vater, Williams of Knox, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Barritt, Bobo, Britton, Calvert, Carnahan, Chittenden, Cory, Cunningham, Davidson, Davis, Dittemore, Field of Lake, Field of Lagrange, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Jump, Lawler, Mason, McDonald, McFadin, McGregor, Mock, Montgomery, Overmyer, Sabin, Shoaff, Stewart of Ohio, Sunman, Tebbs, Vardeman, Wile, Williams of Hamilton and Zenor—39.

So the motion to suspend the order of business prevailed.

Mr. Osborn, by consent, offered the following preamble and resolution :

WHEREAS, The present session of the General Assembly is rapidly drawing to a close ; and,

WHEREAS, There is much needful legislation that is likely to fail, on account of the extreme short time which under the Constitution this body is allowed to sit, and that, among other questions of vital importance to the people of the State of Indiana, is that of the location of the Agricultural College ; therefore,

Resolved, That this House hold at least three night sessions per week during the remainder of this session.

Mr. Vater offered the following amendment :

Amend by making the sessions every evening.

Mr. Odell offered the following amendment to the amendment, by fixing Monday, Wednesday, and Friday nights of each week, commencing next week.

Mr. Dittemore moved that the whole matter be laid on the table.

Messrs. Dittmore and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bobo, Britton, Calvert, Coffroth, Cory, Cox, Davidson, Dittmore, Hall, Hutchings, Johnson of Montgomery, Jump, Kercheval, Lawler, Lamborn, Long, Mason, McDonald, McFadin, McGregor, Mock, Overmyer, Shoaff, Stewart of Rush, Tebbbs, Underwood, Vardeman, Vater, Wile, and Williams of Hamilton—34.

Those who voted in the negative were,

Messrs. Baker, Bates, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Carnahan, Cave, Chapman, Chittenden, Cunningham, Davis, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Logan, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Taber, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—56.

So the motion to lay on the table did not prevail.

Mr. Dittmore moved that the House do now adjourn.

Which was not agreed to.

The question recurring on the amendment offered by Mr. Vater to Mr. Osborn's resolution as amended,

Mr. Barnett moved to postpone the resolution and amendment.

It was agreed to.

Mr. Mitchell moved that the regular order of business be suspended, for the purpose of the introduction of bills.

Which was not agreed to.

Mr. Stewart, of Ohio, moved that Senate bill No. 123 be taken up, which failed to pass on a previous day for the want of a constitutional majority.

It was agreed to.

Mr. Ruddell moved that House bill No. 52, a bill authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867, be taken up and made a special order for to-morrow at 10 o'clock.

Which was agreed to.

Mr. Tebbs moved that the House do now adjourn.

Which was not agreed to.

Engrossed Senate bill No. 123. A bill to amend the 17th section of the act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was taken up, being read a third time on a previous day.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Carnahan, Chapman, Chittenden, Coffroth, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Higbee, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Mason, McDonald, Monroe, Osborn, Pierce of Vigo, Sabin, Shoaff, Skidmore, Sleeth, Stewart of Ohio, Sunman, Taber, Underwood, Wildman and Williams of St. Joseph—44.

Those who voted in the negative were,

Messrs. Baker, Calvert, Cave, Cox, Cunningham, Dittmore, Gordon, Greene, Hall, Higgins, Hyatt, Johnson of Marshall, Long, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Overmyer, Palmer, Ratliff, Ruddell, Shoemaker, Smith, Stewart of Rush, Tebbs, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars and Mr. Speaker—39.

So the bill did not pass, for want of a Constitutional majority.

Mr. Barnett moved that the regular order of business be suspended, for the purpose of allowing Mr. Long to introduce a bill.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER

I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 96, entitled, "An act prohibiting Supreme, Circuit or Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Courts of Common Pleas, Auditors, Treasurers, Recorders, Sheriffs and their Deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof," as follows: "Amend by striking out the words, 'counties in which they hold their offices.'"

Mr. Long introduced

House bill No. 271. A bill to provide for holding Courts in the county of Brown, in case of conflict with the Circuit Court of that county, and to repeal laws in conflict with this act and declaring an emergency.

Which was read a first time.

Mr. Long moved that the Constitutional rules be suspended, so as to read the bill a second and third time now.

Which was agreed to.

By unanimous consent, House bills Nos. 200, 90, 225 and 205 were included in the motion.

The ayes and noes were taken, under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Barnett, Bates, Bowen, Bobo, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman,

Taber, Tebbs, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Knox, Zenor and Zollars—73.

Those who voted in the negative were,

Messrs. Beeler, Britton, Cunningham, Furnas, Neff, Osborn, Sabin, Vater, Williams of Hamilton and Williams of St. Joseph, —10.

So it was deemed expedient to suspend the Constitutional rule, so as to read the bills a second time by title and a third time by sections.

House bill No. 271, was read a second time by title, considered as engrossed, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cox, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars, and Mr. Speaker—78.

Mr. Gordon voting in the negative.

Mr. Dittemore moved that the House do now adjourn.

Which was not agreed to.

House bill No. 200. A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the time of holding courts therein.

Was read a second time.

Mr. Welborn moved that the bill be considered engrossed and be passed to a third reading on to-morrow.

Which was agreed to.

Mr. Cunningham offered the following amendment:

“By giving three weeks to Fountain county.”

Mr. Gordon offered the following amendment:

Amend by saying “that the county of Boone three weeks, if the business requires it.”

Mr. Field, of Lake, moved to refer it to a committee composed of members of the circuit, with instructions to insert the above amendments.

Which was agreed to.

Whereupon, the Speaker announced the following committee:

Messrs. Johnson of Parke, Gordon, Palmer, Hall and Skidmore.

The Speaker announced that he had signed enrolled Joint Senate Resolution No. 10, and enrolled Senate bills Nos. 178, 119 and 27.

House bill No. 90. A bill creating the — Judicial Circuit, providing for the election of a Judge and Prosecuting Attorney thereof, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of actions thereto.

Was read a second time, considered as engrossed, and read a third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles,

Mitchell, Monroe, Neff, Odell, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Osborn, Sabin, Shoaff, Sleeth, Taber and Williams of Knox—5.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Wile obtained leave of absence for to day.

House bill No. 23. A bill to amend an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and to amend an act entitled an act to provide for the continuance of the terms of certain officers, and to repeal all laws inconsistent therewith.

Which was read a second time, and considered engrossed for a third reading now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Davidson, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Greene, Hull, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, **Taber**, Underwood, Vardeman, Wile, Wildman, Williams of

Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—77.

None voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 205. A bill to fix the time and length of term for holding the Circuit Court in the County of Marshall.

Which was read a second time, considered as engrossed, and read a third time now.

The question being, shall the bill pass?

House bill No. 225, entitled a "bill to provide for the holding of the Court of Common Pleas in the Counties of Laporte and Marshall, and to repeal the law now in force in relation thereto."

Which was read a second time, considered as engrossed, and read a third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cox, Cunningham, Davidson, Davis, Dittemore, Duan, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber,

Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars and Mr. Speaker—82.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Wildman moved that House bill No. 23 be made a special order for 2 o'clock P. M. to-morrow.

Which was agreed to.

Mr. Pierce, of Vigo, moved that the constitutional rule be suspended, so as to read Senate bill No. 55, a first, second and third times now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Korchival, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Zollars—81.

Mr. Cunningham voting in the negative.

So it was deemed expedient to suspend the constitutional rule, and the bill was read a first time, a second time by title, and a third time by sections.

Engrossed Senate bill No. 55. A bill creating the 22d Judicial Circuit and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said court and providing for the transferring of actions thereto.

Was read a first time, and a second time by title.

Mr. Johnson, of Parke, moved to refer the bill to the Committee on Organization of Courts.

Mr. McFadin moved to lay the motion on the table.

Which was agreed to.

Mr. Pierce, of Vigo, moved to amend by striking out "23" and inserting "24," in section one of the bill.

Which was agreed to.

Mr. Pierce, of Vigo, moved that the bill be considered as engrossed, and be read a third time now.

Which was agreed to.

Senate bill No. 55, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Beatty, Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Davis, Dittmore, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Greene, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Lamborn, Long, Mason, McDonald, McFadin, Millekan, Mitchell, Monroe, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Admire, Cunningham, Davidson, Hyatt, Johnson of Marshall, Lawler, Miller, Montgomery and Williams of Knox—10.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 55, entitled "An act creating the 22d Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said court, and providing for transfer of actions thereto."

Mr. Welborn offered the following resolution:

Resolved, That the Librarian be instructed to place a table in the room now occupied by the Ways and Means Committee, for the use of the Enrolling Clerks of the House.

Which was agreed to.

Mr. Welborn moved to adjourn

Which was not agreed to.

Mr. Coffroth moved a call of the House.

Mr. Stewart, of Ohio, moved to lay the motion on the table.

Which was agreed to.

Mr. Johnson, of Marshall, moved to adjourn.

Which was agreed to.

THURSDAY MORNING, 9 O'CLOCK, }
February 25, 1869. }

The House met.

Mr. Osborn moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Tebbs obtained leave of absence until Monday noon.

Mr. Admire obtained leave of absence from to-morrow noon until Monday noon.

Mr. Montgomery obtained leave of absence until Monday.

Messrs. Stewart, of Ohio, and Zollars, by consent, were added to the committee on House bill No. 78.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Overmyer presented the claim of W. R. Prather for \$500.00, on account of Morgan Raid Commission.

Referred to the Committee on Claims.

Mr. Higbee presented five petitions from sundry citizens of Washington county, praying for the enactment of a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

Mr. Osborn presented a petition from sundry citizens of Hendricks county, in reference to a change in the Judicial Circuit and Common Pleas District in which said county is situate.

Which was read and referred to a Special Committee composed of the members from the counties interested therein.

Mr. Millekan presented a petition from citizens of ——— county, praying for retrenchment and reform in the public expenditures of county officers.

Referred to Special Committee on House bill No. 78.

REPORTS FROM STANDING COMMITTEES.

Mr. Stewart, of Ohio, from the Committee on Elections, made the following minority report:

MR. SPEAKER:

The undersigned, members of the Committee on Elections, to whom was referred House bill No. 263, have had the same under consideration, and also the act that the same is to repeal, and believe said act to be unjust and unconstitutional, and that it ought to be repealed; therefore, they recommend the passage of the bill.

[Signed,]

STEWART, of Ohio,
HAMILTON, of Vigo.

Which was laid on the table, for the present.

Mr. Zollars, from the majority of the Committee on Elections, submitted the following report:

MR. SPEAKER:

The Committee on Elections, to whom was referred House bill No. 263, being "An act to repeal an act approved March 11, 1867, entitled an act to revise and amend the sixth section of an act entitled an act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter, approved January 27th, 1847," have had the same under consideration, and have instructed me to report back the same with the recommendation that the same be indefinitely postponed.

Which was laid on the table, for the present.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred Engrossed House bills Nos. 205 and 225, have compared the same with the original, and find them correctly engrossed.

Mr. Ruddell, from the Committee on Prisons, made the following report:

MR. SPEAKER:

The Committee on State Prisons, to whom was referred House bill No. 217, have considered the same, and recommend the following amendments:

Amend section 3 by striking out so much thereof as relates to "traveling expenses."

Amend said bill by changing the order of sections 5 and 6, substituting section 6 for section 5, and *vice versa*.

Insert between sections 6 and 7 the following section, to-wit:

"No member of said Board, or officer or employee of either of the Prisons, shall be paid in more than one capacity, nor shall they be entitled to receive any perquisite in the shape of board, provisions, fuel, lights, carriages, horses, offal or otherwise, either for themselves or families, unless the same shall be allowed by law, or shall be permitted to receive any compensation, reward or gift of any description from contractors; and if any member of said Board, or officer, or employee of either of said Prisons, shall receive any perquisite or any such compensation, reward or gift of any description, from any contractor to promote the interests or advantage of said contractor, or shall make use of any property of any description belonging to either of said Prisons for his own private purpose, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office."

Amend the 10th section of said bill by inserting after the word "necessary," in the 5th line, the following: "to enforce the most rigid discipline."

Amend the 13th section of said bill by striking out the word "43d," in the 5th line, and inserting "42d." Also, amend same section by striking out the word "53d," in the 6th line, and inserting "52d."

Amend said bill by striking out section 16 and inserting the following:

Sec. 16. The Board of Managers shall appoint a Chaplain for each Prison under their control, who shall be a Minister of the Gos-

pel, in good standing in some one of the denominations of this State, who shall be competent to teach the ordinary branches of a Common School education, and who shall reside in or near the Prison, and devote his whole time and ability to the welfare of the convicts confined therein, and shall in addition to his clerical services, instruct all of the convicts who cannot read and write, and such others as may desire to learn, and as the Board may think proper, under the direction of said Board as to time and place, and shall have the care of the Library belonging to such Prison.

Amend by striking out section 18 and inserting the following:

"When any male person or persons shall be convicted and sentenced to imprisonment in the State prison by any Court of competent jurisdiction in the counties of Warren, Fountain, Montgomery, Boone, Hamilton, Madison, Delaware and Randolph, and in any county lying north of said counties within this State, it shall be the duty of the Sheriff, or other officer having charge of such person or persons so convicted, to convey the said person or persons to the Northern State prison; and when any male person or persons shall be convicted and sentenced to imprisonment in the State prison by any Court of competent jurisdiction in any of the counties lying south of said counties of Warren, Fountain, Montgomery, Boone, Hamilton, Madison, Delaware and Randolph, it shall be the duty of the Sheriff, or other officer having charge of such person so convicted, to convey said person or persons to the Southern State prison, and the Wardens of said prisons shall receive all prisoners so delivered to their care, and keep them until the expiration of their sentence, unless sooner discharged according to law. *Provided*, That all female persons who may hereafter be convicted and sentenced to imprisonment in the State prison, shall be confined as now provided for by law, until otherwise ordered by the Board of Managers."

Amend the 19th section, by striking out the last three words of the 34th line, and all thereafter.

And, when so amended, recommend its passage.

Mr. Tebbs, from the Committee on Claims, submitted the following report.

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of

the Indianapolis and Lafayette Railroad Company, for \$496,25, for transportation of soldiers, etc., furnished upon the order of Governor Morton, from January 25, 1865, to June 25, 1866, have had the same under consideration, and have instructed me to report the same back and recommend its allowance, and that it be referred to the Committee of Ways and Means, and incorporate it in the Specific Appropriation bill.

Which was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Smith Vawter, for \$1,350, per diem and mileage on 2,000 miles, for services on the Morgan Raid Commission, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that an allowance of \$1,200 be made to said claimant, and that said sum shall cover both the per diem and mileage claimed, and that the Committee of Ways and Means be instructed to incorporate said allowance in the Special Appropriation bill.

Which was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of J. A. Ray, for publishing the proceedings of the State Board of Agriculture in former years, without authority, have had the same under consideration, and have instructed me to report the same back, and recommend that it be not allowed.

Which was concurred in, and referred to the Committee of Ways and Means.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claims of

Wm. Hannaman, Charles S. Hubbard and Henry B. Hill, Trustees of the Indiana Soldiers' Home, for \$240 each, for 60 days service each, in 1867 and 1868, as Trustees of said Soldiers' Home, have had the same under consideration, and have instructed me to report the same back and recommend its allowance, and that the same be referred to the Committee of Ways and Means, and incorporated in the Specific Appropriation bill.

Which was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of John Campbell, Doorkeeper of the last House of Representatives, for three days service, at \$5 per day, and mileage on 120 miles, at 20 cents per mile, for aiding in the organization of the present House of Representatives, have had the same under consideration, and have instructed me to report it back, and recommend that said claim be allowed, and the Speaker be authorized to sign a warrant for the same.

Which was concurred in.

Mr. Sabin from the Committee on Claims made the following report:

MR. SPEAKER:

The Committee on Claims to whom was referred the claim of John McRea for \$1,350, per diem and mileage, on 2,000 miles, for services on the Morgan Raid Commission, have had the same under consideration and have instructed me to report the same back to the House, and recommend that an allowance of \$1,200 be made to said claimant, and that said sum shall cover the per diem and mileage claimed, and that the Committee of Ways and Means be instructed to incorporate said allowance in the specific appropriation bill.

Which report was concurred in.

Mr. Sabin from the Committee on Claims made the following report:

MR. SPEAKER :

The Committee on Claims to whom was referred the claim of W. F. Browning for \$1,350, per diem and mileage on 2,000 miles for services as Clerk of the Morgan Raid Commission, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that an allowance of \$1,200 be made to said claimant, and that said sum shall cover both the per diem and mileage claimed, and that the Committee of Ways and Means be instructed to incorporate said allowance in the Specific Appropriation bill.

Which report was concurred in.

Mr. Tebbs from the Committee on Claims made the following report :

MR. SPEAKER :

Your Committee to whom was referred the claim of John I. Morrison for \$1,350, per diem and mileage on 2,000 miles, for services on the Morgan Raid Commission, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that an allowance of \$1,200 be made to said claimant, and that said sum shall cover both the per diem and mileage claimed, and that the Committee on Ways and Means be instructed to incorporate said allowance in the Specific Appropriation bill.

Which report was concurred in.

The Speaker announced the Committee on Petitions from Hendricks county, in regard to Courts.

Messrs. Furnas, Beeler, Vater, Ruddell, Neff and Osborn.

Mr. Sabin from the Committee on Claims made the following report :

MR. SPEAKER :

The Committee to whom was referred the claim of Thomas M. Browne, for \$1,500 for legal services as attorney on the Morgan Raid Commission, have had the same under consideration, and

have instructed me to report the same back to the House, and recommend its allowance, and that the Committee on Ways and Means be instructed to incorporate the same in the Specific Appropriation bill.

Which report was concurred in.

Mr. Sabin from the Committee on Claims made the following report:

MR. SPEAKER:

The Committee on Claims to whom was referred the claim of W. B. Matthews, for the second time, for \$183 91, for arresting and bringing to justice, one Calhoun, a fugitive from justice, have instructed me to report the same back, and inasmuch as said party failed to appear before said Committee, by attorney or otherwise, to prove his claim; and inasmuch as the sum of \$98 was allowed said claimant for said services, by the session of 1865, I am instructed to report adversely on said claim.

Which report was concurred in.

Mr. Sabin from the Committee on Claims made the following report:

MR. SPEAKER:

Your Committee to whom was referred the claim of Thomas J. De La Hunt, for \$63 for publishing the Morgan Raid Concurrent Resolution, have instructed me to report the same back to the House, and recommend that the sum of \$20 be allowed for said publication, and that the Committee on Ways and Means be instructed to incorporate the same in the Specific Appropriation bill.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee to whom was referred the claim of C. H. Bently, for \$20, for publishing the Morgan Raid concurrent resolutions, have instructed me to report the same back to the House and rec-

commend its allowance, and that the Committee of Ways and Means be instructed to incorporate it in the Specific Appropriation bill.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the certificate of John I. Morrison, President of Morgan Raid Commission, stating that the claims for clerks' fees, sheriffs' fees, bills for printing, stationery bill of Wm. J. Braden, and pay of assistant clerk to the Commission, amounting in total to \$1,469 86, is correct, and was allowed by said Commission, as will be seen by reference to the report of said Commission, have instructed me to report in favor of the allowance of the same, and that the Committee of Ways and Means be instructed to incorporate said sums.

Which report was recommitted to the Committee.

Mr. Sabin, from the Committee on Claims, to whom was referred the memorial of A. C. Matchett, on the subject of the practice of medicine, have instructed me to report the same back and recommend that it be referred to the Committee on Rights and Privileges.

Which was agreed to.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 189, entitled an act to amend an act entitled an act to authorize the construction of plank, macadamized and gravel roads, approved May 12, 1852, have had the same under consideration, and because of the fact that your committee agreed to recommend the passage of another bill in reference to the same subject-matter, which they had under consideration at the same time, instruct me to report this bill back and recommend its indefinite postponement,

Which report was concurred in.

Mr. Millekan, from the Committee on Roads, made the following report :

MR. SPEAKER :

The Committee on Roads, to whom was referred House bill No. 249, a bill to amend section 20 of the road law, approved March 11, 1867, so as to entitle any road district to the money raised by a tax levied on property situated and being in said road district, and to enact section 33 to prevent grading or throwing up highways after the first day of September of any year, unless the part so thrown up be graveled, macadamized or bridged before the first of November of the same year, have had the same under consideration, and direct me to report the same back and recommend that it be indefinitely postponed.

Which was concurred in.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in the Engrossed Amendments of the House to Senate bill No. 55, to-wit :

Amend by striking out "22," and inserting "24," as the number of the circuit.

Amead the title by striking out "22," and inserting "24."

Mr. Millekan, from the Committee on Roads, made the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 77, "A bill to repeal an act entitled an act in relation to the change of public highways, approved March 11, 1867," have had the same under consideration, and have directed me to report the same back with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Palmer, from the Committee on Roads, submitted the following report :

MR. SPEAKER :

Your Committee on Roads, to whom was referred Resolution No. 70, requesting your said committee to enquire into the expediency of so amending the law as to exempt all persons from road tax and road labor in road districts in which all roads in said districts are graveled, macadamized, or piked, have had the same under consideration, and direct me to report that in the opinion of your committee the legislation contemplated by the resolution is inexpedient.

Which report was concurred in.

Mr. Millekan, from the Committee on Roads, made the following report :

MR. SPEAKER :

Your committee to whom was referred Senate bill No. 115, entitled "An act to amend the 49th section of an act entitled an act to provide for the opening, vacating, and change of highways," approved March 9, 1861, have had the same under consideration, and direct me to report the same back and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Millekan, from the Committee on Roads, made the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 214, "A bill supplemental to an act entitled an act supplemental to an act approved March 5, 1859, entitled an act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgage sales, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct corporations by such purchasers," approved February 18, 1867, have had the same under

consideration, and direct me to report the same back with the recommendation that the same pass.

Which report was concurred in.

Mr. Stewart, from the Committee on Printing, made the following report :

MR. SPEAKER :

Your Committee on Printing, to whom was referred House bill No. 260, "A bill to require the proceedings of County Commissioners and the reports of Township Trustees to be published in two newspapers of each county," report that they have examined said bill, and report the same back and recommend that it be postponed indefinitely.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills, to whom was referred House bill No. 271, have compared the same with the original, and find it correctly engrossed.

The hour of 10 o'clock having arrived,

Mr. Osborn moved to take up House bill No. 105, which was made the special order for this hour.

Which was not agreed to.

Mr. Stewart, of Rush, moved to take up the reports of majority and minority of Election Committee.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed House bill No. 248, entitled "A bill fixing the time of holding Circuit Courts in the several counties comprising the 4th Judicial Circuit of this State, and declaring an emergency," which is herewith returned to the House.

Mr. Coffroth moved to lay the whole subject on the table.

Messrs. Underwood and Kercheval demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Cunningham, Davis, Dittmore, Fuller, Greene, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mock, Monroe, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Welborn, Williams of Knox, Zenor and Zollars—44.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Bowen, Buskirk, Chapman, Chitenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Mason, Millekan, Miller, Mitchell, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Williams of Hamilton, Williams of St. Joseph and Williams of Union—44.

So the motion to lay on the table did not prevail.

Message from the Senate by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed Enrolled Senate Joint Resolutions Nos. 7 and 12.

Which are herewith transmitted to the House for the signature of the Speaker.

Mr. Johnson, of Marshall, moved that the minority report be adopted.

Mr. Johnson, of Parke, moved the previous question.

Which Mr. Coffroth asked to be excused from voting upon.

And on this Messrs. Coffroth and Cox demanded the ayes and noes.

And upon this question Mr. Welborn asked to be excused from voting, and the Speaker ruled that he could not be excused until his name be called.

From this ruling Mr. Coffroth submitted the following appeal:

A motion to excuse the member from Huntington county from voting on the report of the Committee on the bill to amend the Charter of the city of Evansville, being under consideration, the member from Vanderburgh county asked to be excused from voting on the question to excuse the member from Huntington county from voting as aforesaid; and thereupon the Chair ruled that the motion of the member from Vanderburgh county was out of order; therefore we, the undersigned, appeal from the said ruling of the Chair.

(Signed)

J. R. COFFROTH.

J. F. WELBORN.

Mr. Wildman moved that the bill, reports, appeals, etc., be laid upon the table.

Which was agreed to.

Message from the Governor by Mr. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 24, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed enrolled act No. 202, entitled "an act to make certain specific appropriations therein designated."

And that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

The Speaker announced that he had signed Senate enrolled Joint Resolutions No. 7 and 12.

Mr. Stewart of Rush, moved that the House do now proceed to take up House bills No. 105, 138 and 272, with pending amendments on the subject of railroads.

Which was agreed to.

Mr. Osborn moved that the Constitutional Rule, requiring bills to be read on three several days, be suspended for the purpose of reading the bill a second and third times now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Bates, Beaty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cunningham, Davidson, Davis, Dunn, Fairchild, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Logan, Long, McDonald, Millekan, Miller, Miles, Minor, Mitchell, Monroe, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—68.

Those who voted in the negative were,

Messrs. Admire, Cave, Cory, Cox, Dittamore, Field of Lake, Montgomery, Palmer and Stewart of Ohio—9.

So it was deemed expedient to suspend the Constitutional Rule, for the purpose of reading the bill a second and third times now.

House bill No. 105. An act to regulate and make uniform the prices charged by Railroad Companies for transporting passengers, goods, wares, merchandise and other property, to and from stations on railroads in the State of Indiana, declaring the duty of certain officers in relation thereto, prescribing penalties for the violation thereof, and declaring an emergency.

Which was read a second time.

Mr. Vater offered the following amendment:

Amend by changing the words "~~fixed and charged~~," in section one to "fixed or charged."

Which was laid on the table.

The question being on the amendment offered by Mr. Odell on yesterday.

Which was laid on the table.

The question recurring on the amendment offered by Mr. Stewart of Rush.

Mr. Stewart of Rush moved to lay that portion of the amendment on the table, which laid on the table sections four and five.

Which was agreed to.

Mr. Williams of Knox, moved to lay the whole amendment on the table.

Which was agreed to.

Mr. Coffroth, moved to amend by adding the following section :

SEC. —. That it shall be lawful for any person to ride upon any train of such railroad company, either passenger or freight, upon payment of the usual charge.

Mr. Dunn offered the following amendment to the amendment :

Amend by inserting after the words "usual charge," the following "either to the station agent or conductor of any train."

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills, to whom was referred House bill No. 248, have examined and compared said bill with the original and find the same correct.

The Speaker announced that he had signed enrolled House bill No. 248.

The question being on the adoption of Mr. Dunn's amendment, It was accepted by Mr. Coffroth

Mr. Beeler moved to lay the amendment by Mr. Coffroth on the table.

A division of the question was asked.

Which was granted.

H. J.—48.

The question being on that portion offered by Mr. Dunn,
It was not laid on the table.

The question recurring on laying the amendment offered by Mr. Coffroth on the table,

It was not agreed to.

The question being on the adoption of that portion of the amendment offered by Mr. Dunn,

It was agreed to.

Mr. Welborn, from the Committee on Engrossed Bills, submitted the following report :

MR SPEAKER :

The Committee on Engrossed Bills, have carefully compared engrossed House bill No. 90 with the original bill, and find it in all things correctly engrossed.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed enrolled act No. 248, House of Representatives, and the same is herewith returned to the House.

The question being on the adoption of the amendment offered by Mr. Coffroth,

Mr. Vater offered the following amendment :

Add the words "at their own risk on freight trains."

Which was accepted and incorporated in the original amendment of Mr. Coffroth.

Mr. Coffroth offered the following amendment :

"And any conductor or other employees of any such railroad company, who shall refuse to allow any such persons to ride upon any such train, after the usual charge therefor has been paid, in this case shall be deemed guilty of a misdemeanor, and upon convic-

tion thereof shall be fined in any sum not less than fifty nor more than five hundred dollars."

Which was accepted and incorporated in the original amendment.

Mr. Furnas obtained leave of absence until to-morrow morning.

Mr. Ruddell offered the following amendment:

Provided, That nothing in this section shall be construed to apply to through freight trains: And further provided, that any person accepting passage on any freight train shall annul all risk of accident and damages to persons and baggage without claim on the company.

Which was accepted by Mr. Coffroth.

Mr. Osborn moved that all the amendments be laid on the table.

On motion by Mr. Williams, of Knex, the House adjourned.

TUESDAY, 2 O'CLOCK P. M.

The House met.

Pending the adjournment was the consideration of House bill No. 105, with amendments.

The question being on the motion by Mr. Osborn, to lay all the amendments, as offered and accepted by Mr. Coffroth, on the table.

By consent, Mr. Coffroth withdrew his amendments.

Mr. Coffroth offered the following amendment:

SEC. —. That it shall be lawful for any person to ride upon any train of such railroad company, either passenger or freight, upon payment of the usual charge, to be paid either to the station agent or conductor, but they shall so ride at their own risk, either as to person or baggage, upon the freight trains: *Provided*, That noth-

ing in this section shall be so construed as to apply to express through freight trains. And any conductor or other employee of such railroad company who shall refuse to allow any such person to ride upon any such train after the usual charge therefor has been paid or tendered, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars.

Message from the Governor, by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, February 25, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed, Enrolled act No. 248, entitled "an act fixing the time of holding Circuit Courts in the several counties comprising the Fourth Judicial Circuit of this State, and declaring an emergency, and the same has been deposited in the office of the Secretary of State."

JOHN M. COMMONS,

Private Secretary.

Mr. Pierce of Porter, moved to lay the amendment on the table.

Messrs. Field of Lake and Baker, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breekinridge, Chittenden, Cory, Davis, Dittmore, Fairchild, Field of Lake, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McDonald, Miller, Monroe, Neff, Overmyer, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Wildman, Williams of St. Joseph, Williams of Union and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Addison, Admire, Barrett, Bates, Bobo, Bowen, Britton,

Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Davidson, Dunn, Fuller, Gordon, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Long, McBride, McFadin McGregor, Millekan, Miller, Miles, Mock, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Sleeth, Smith, Taber, Vater, Welborn, Williams of Knox, Zenor and Zol-dars—49.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the amendment offered by Mr. Coffroth.

It was agreed to.

Mr. Ratliff offered the following amendment:

“Amend by striking out that portion in reference to passenger fare.”

Mr. Neff moved to lay the amendment on the table.

Messrs. Ratliff and Gordon demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Bowen, Britton, Buskirk, Calvert, Chapman, Chittenden, Cox, Davidson, Fairchild, Fuller, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Logan, Long, McBride, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Shoaff, Shoemaker, Sleeth, Stephenson, Stewart of Rush, Sunman, Vardeman, Welborn, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—53.

Those who voted in the negative were,

Messrs. Barnett, Beatty, Beeler, Carnahan, Cave, Cory, Cunningham, Davis, Dittemore, Dunn, Field of Lake, Gilham, Gordon, Hamilton, Jump, Lamborn, Mason, McDonald, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stewart of Ohio, Tabor, Underwood, Vater, Wildman, Williams of Mamilton and Mr. Speaker—32.

So the motion to lay on the table prevailed.

Mr. Welborn moved to reconsider the vote just taken.

Which was not agreed to.

Mr. Calvert moved to amend by striking out "three and a half," and inserting "four" cents per mile for carrying passengers.

Mr. Neff moved to lay the amendment on the table.

Which was agreed to.

Mr. Long offered the following amendment:

Amend by adding:

"SECTION —. No person shall be put off or excluded from a train which carries passengers, in consequence of such person having failed to procure a ticket, if such person will, at the time, pay or offer to pay the rate of charge in money; and in such case, no percentage or extra charge shall be made in consequence of a failure to procure a ticket other than as mentioned in this act."

Mr. Higgins moved to lay the amendment on the table.

Which was agreed to.

Mr. Ratliff moved that the bill be considered engrossed for a third reading.

Which was agreed to.

Mr. Monroe moved the previous question.

Which was seconded by the House.

The question being, shall the main question now be put?

It was agreed to.

House bill No. 105 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Bowen, Britton, Buskirk, Calvert, Chapman, Coffroth, Cox, Cunningham, Davidson, Davis, Dittemore, Fairchild, Field of Lake, Fuller, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Jump, Long, McFadin, McGregor, Millekan, Miller,

Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Ruddell, Sabin, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Varde-man, Vater, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Carnahan, Cave, Cory, Dunn, Field of Lake, Hamilton, Johnson of Parke, Johnson of Marshall, Lamborn, Mason, McBride, McDonald, Minner, Monroe, Pierce of Vigo, Ratliff, Shoaff, Skidmore, Stewart of Ohio, Sunman, Welborn, Wildman and Williams of Hamilton—30.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Coffroth moved to amend the title by adding the following thereto :

And to require such railroad companies to carry passengers on freight trains, and providing penalties for its violation.

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Field, of Lake, in explaining his vote, said :

I vote "No." because railroad companies, by the bill, are exempted from all liability for damages to the person or property of passengers on freight trains.

Mr. Johnson, of Marshall, in explanation of his vote, said :

I vote "No," because the bill proposes to release railroad companies from all liability for damages to passengers on freight trains.

Mr. Johnson, of Parke, in explaining his vote, said :

MR. SPEAKER :

I cannot vote for the bill in its present shape, for the reason that the bill compels railroad companies to carry passengers on freight trains and, at the same time, exempts the road from all liability for damages sustained by passengers while riding on such trains ; nor does the bill compel the company to run passenger trains on their roads. I am opposed to relieving railroads from liability growing out of the neglect of their agents or employees.

Mr. Lamborn, in explaining his vote, said :

I vote "No," because I think the bill is opposed to the best interests of the State, as railroads are the means of developing the great resources of our State. Capitalists must be invited to an investment in railroads by allowing them a fair compensation therefor. The provisions of the bill would evidently drive capital from the State.

Mr. McDonald, explanatory, said :

The provisions of the bill are so manifestly unjust to, not only the railroad interest but to the people for whose benefit it is intended, that he could not, consistent with his oath of office, vote for the bill. He believed the Legislature had the same legal right to say that railroad companies shall pay three dollars per cord for the wood they use, or that they shall pay their employees—from President down to day laborers—the same amount per day, that they have to regulate the rates of freight and passenger fares ; and believing that the railroads have been the means of advancing the interests of the State at least twenty-five years, he conscientiously and cheerfully recorded his vote against the bill.

Mr. Monroe, in explaining his vote, said :

I vote "No," on account of the amendment which requires freight trains to carry passengers.

Engrossed House bill No. 138. A bill amending section 22 of an act entitled, an act to incorporate the Terre Haute and Richmond (now Terre Haute and Indianapolis) Railroad Company, and declaring the intention of the act, and an emergency for its immediate enforcement.

Was read a second time with amendment.

The question being on the adoption of the amendment.

It was agreed to.

Mr. Osborn moved that the amendment be considered engrossed, and read a third time, now.

Which was agreed to.

House bill No. 138 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Bates, Beatty, Beeler, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Marshall, Jump, Long, McFadin, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Varde-man, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Barnett, Bobo, Cave, Fuller, Logan, McBride, Pierce of Vigo and Williams of St. Joseph—8.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Osborn offered the following substitute:

“An act declaratory of the common law as to the duty of railroad companies, and other common carriers, in the transportation of freight, and to prevent extortionate charges for such transportation, and providing a remedy, and making certain claims assignable.

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Vardeman obtained leave of absence until Monday.

Engrossed House bill No. 132. A bill to enable cities to aid in the construction of railroads and water powers.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Jump, Logan, Long, Mason, McBride, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Neff and Underwood—2.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Ruddell offered the following amendment: "And declaring an emergency."

Which was agreed to.

The question being, shall the title as amended, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 23. A bill to change the time of holding elections in this State.

Was read a third time.

The question being, shall the bill pass?

Mr. Vater moved the previous question.

Which was not seconded by the House.

Mr. Zollars moved to recommit the bill to the Committee on Elections, with instructions, and to report the same back to the House immediately.

The question being on recommitting the bill to the committee,

Messrs. Cory and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Long, McGregor, Millekan, Miller, Miles, Minor, Mitchell, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Addison, Admire, Bobo, Cave, Coffroth, Cory, Cox, Cunningham, Hutchings, Hyatt, Logan, McBride, McDonald, McFadin, Montgomery, Odell, Palmer and Sleeth—18.

So the motion to recommit prevailed.

Mr. Wildman moved that the regular order of business be sus-

pended for the purpose of receiving a report from the Committee on Elections.

Mr. Coffroth moved to lay the motion on the table.

The Speaker ruled the motion out of order, inasmuch as the House just passed upon the question that the bill should be reported back immediately.

Whereupon Mr. Coffroth submitted the following appeal.

The gentleman from Vigo, (Mr. Pierce,) chairman of the Committee on Elections, proposed to make a report from the Committee on Elections, and objection being made to its introduction, and the chair having decided that it was in order, we therefore appeal from such decision.

Signed,

J. R. COFFROTH,

J. D. COX.

Mr. Addison moved that the House do now adjourn.

Which was not agreed to.

Mr. Zollars moved to lay the appeal on the table.

Messrs. Coffroth and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Carnahan, Cave, Chapman, Chittenden, Cory, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, Millekan, Miller, Miles, Minor, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardaman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Admire, Bobo, Britton, Calvert, Cox, Hutchings, Hyatt, McDonald, McFadin, McGregor, Mock, Montgomery, Neff, Odell, Palmer, Sleeth and Williams of Knox—17.

So the motion to lay on the table prevailed.

The question being on receiving the report of the committee,
It was agreed to.

Mr. Pierce, of Vigo, from the Committee on Elections, made the following report :

MR. SPEAKER :

The Committee on Elections, to whom was referred House bill No. 23, " A bill changing the times of holding the general elections in this State," have had the same under consideration, and report that the following amendments be made to the bill :

Strike out all after section 3 and insert the following: " That all vacancies created by the provision of this act in any office in this State, shall be filled as now provided by law."

Mr. Wildman moved that the report be concurred in.

Which was agreed to.

Mr. Wildman moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

Mr. Pierce, of Vigo, moved that the bill be considered as engrossed, and read a third time now.

Which was agreed to.

House bill No. 23 was read for information, being read a third time previously.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, John-

son of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Miles, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr Speaker—58.

Those who voted in the negative were,

Messrs. Addison, Admire, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, Long, McBride, McDonald, McFadin, Miner, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Sleeth, Sunman, Tebbs and Williams of Knox—30.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Pierce, of Vigo, moved to amend the title by adding as follows thereto:

“And to fill all vacancies occasioned by the provisions of this act.”

Which was agreed to.

Mr. Coffroth offered the following amendment:

Strike out the title and insert the following:

An act to provide “pap” for a few members of the Republican party in a short space of time.

Which, on motion, was laid on the table.

The question being, shall the title as amended, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

On motion by Mr. Hamilton, the House adjourned.

FRIDAY MORNING, 9 o'clock, }
February 26, 1869. }

The House met.

The Clerk proceeded to read the Journal, when,

On motion by Mr. Carnahan, the further reading was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Smith presented a petition from sundry citizens of Wabash county, asking for the enactment of a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Smith presented a petition from citizens of Wabash county, asking a more stringent liquor law.

Which was referred to the Committee on Temperance, without reading.

Pending the regular order on yesterday, was the consideration of the report of the Committee on Printing, recommending the indefinite postponement of House bill No. 260.

The question being, on 'concurring in the report of the Committee,

Messrs. Field of Lake and Underwood demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cox, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Greene, Higbee, Higgins, Hutchings, Hutson, Hyatt, Kercheval, Lawler, Logan, Mason, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Palmer, Pierce of

Vigo, Ratliff, Sabin, Shoemaker, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—59.

Those who voted in the negative were,

Messrs. Baker, Beatty, Bowen, Chittenden, Coffroth, Dittemore, Field of Lake, Gilham, Gordon, Hall, Hamilton, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Long, Mock, Overmyer, Underwood, Vater, Wildman and Mr. Speaker—22.

So the report of the Committee was concurred in, and the bill was indefinitely postponed.

Mr. Buskirk, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, having had under consideration that part of the Governor's message relating to the settlement of Indiana war claims against the United States, also the memorial of John A. Coburn and the communication of Senator Morton, the third Auditor and second Comptroller of the Treasury on the same subject, make the following report :

By the second section of an act of the Legislature, approved March 6, 1865, the Governor is authorized to proceed with the settlement of the claims of the State against the United States for expenses incurred on account of the late war, by such agent or agents as he may deem necessary, Governor Baker accordingly appointed Mr. John A. Coburn to prosecute the settlement of the claims before the departments at Washington, the Adjutant General of the State coöperating with him here. The compensation of the special agent agreed upon was two per centum on the sum or sums which might be realized for the State through his efforts with the express understanding that such compensation should be subject to and dependent on the action of the General Assembly, and not to be paid until authorized by such action.

Under the circumstances in which the State was placed in reference to her claims, we are fully satisfied the employment of an

agent was a necessity, and that the State has been largely benefited thereby.

The vouchers filed were, in most cases, very defective in not conforming to the regulations of the Treasury Department, owing the fact that our officers, during the early part of the war, were wholly inexperienced in military affairs. The result was that a very large proportion of the claims were disallowed or suspended for additional evidence, explanations, &c.

The rulings and regulations of the Department in reference to settlements were so imperfectly understood by the State authorities it became evident that an experienced agent, thoroughly conversant with the rulings and mode of doing business in the Department, was indispensable. From evidence we have received, we are confident the State has been able to realize large amounts on claims that, had an agent not been employed, would probably have been wholly lost. Mr. Coburn appears to have been very faithful and efficient in the discharge of his duties, and is yet engaged on the claims that are still pending. In regard to the compensation agreed upon, we are reliably informed it is lower than that paid by any other State, and when the great benefits gained by the arrangement are taken into consideration, the per centum stipulated, is not extravagant.

We recommend, therefore, that the Governor's contract with Mr. Coburn be confirmed; that the agent be continued until such time as the Governor may think it proper to dispense with his services, and that an appropriation be made to cover the amount that may be now due, or that may hereafter become due, at the rate agreed upon by the certificate of the Governor and Treasurer of State.

All of which is respectfully submitted.

Mr. Osborn moved to lay the report on the table.

Which was agreed to.

Mr. Dittmore, from the Committee on the report of the Trustees of the Soldiers' Home, made the following report:

MR. SPEAKER:

The Committee to whom was referred the report of the Trustees of the Soldiers' and Seamen's Home and Soldiers' Orphans' Home, beg leave to report that they have had the same under considera-

tion, and recommend that the following appropriations be made, viz:

Thirty thousand dollars for the construction of additional buildings for the orphans, the present building being insufficient to accommodate the number applying for admission.

Five thousand dollars for the erection of workshops to employ the men and boys, and the purchase of additional real estate, and fifteen thousand dollars to pay the debt incurred in opening the Orphan Department.

Mr. Osborn moved to refer the report to the Committee of Ways and Means.

Which was agreed to.

Mr. Pierce, of Porter, from the Committee on Benevolent Institutions, submitted the following report:

MR. SPEAKER:

Your Committee on Benevolent Institutions beg leave to make the following report:

Our Asylums and Institutions for the relief and education of the unfortunate, have long and justly been the pride of the State.

The people have cheerfully and liberally supported them, and have had their recompense in seeing these objects of their care grow up from small beginnings into large, elegant and commodious structures, an honor alike to the State, the age, and to our christian civilization.

The workings of Providence are mysterious, and perhaps the selfish reflection that a sudden calamity may transfer any citizen of the State to the care of these Institutions, may cause a keener anxiety regarding them, and a deeper desire that they be conducted upon a more broad, humane and liberal plan than would otherwise be the case.

The committee have been guided, in looking after the wants of these Institutions, by a desire to give each and all of them such appropriations as their necessities require, avoiding that economy

which, in these instances, might be cruelty, but at the same time seeking to guard against any extravagance which would impose unnecessary burdens upon the people of the State.

We have visited each of the Institutions, and made such examinations as the limited time at our disposal would permit, but sufficient, we believe, to warrant us in saying, that each of the Asylums is accomplishing—and never more so than under their present direction—the great ends for which they were founded.

HOSPITAL FOR THE INSANE.

Your committee beg leave to report the following, relative to the Hospital for the Insane :

We found the buildings, in all their various rooms and wards, highly comfortable and strictly tidy, and that patients were as well satisfied and cheerful as could be expected of persons in their deplorable mental condition.

Four wards of the new north wing, with a capacity for about one hundred and twenty patients, are now completed, and will be ready for occupancy so soon as the appropriation for furnishing them shall be made.

The remaining four wards can be furnished and in condition for use in about sixty days. The capacity of the Hospital will then be sufficient for five hundred and thirty patients.

In architectural beauty and utility, the new wing is a decided improvement upon the portions of the Hospital heretofore erected. In its construction, only the best of materials have been used, and the mechanical skill employed being of the highest standard, the appearance and condition of the structure reflects great credit upon the gentlemen having the work in charge. Upward forced ventilation, of the most improved plan, has been made a feature in this addition to the Hospital, and it is our judgment that the method will fully meet the most sanguine anticipations of the Building Committee.

The cost of this extension will be \$23,000 less than the architect's estimate therefor.

The Commissioners have managed the financial affairs of the

Hospital with the strictest economy. Since the last Legislature, the usual and always onerous services of the Board have been greatly increased, by the needed oversight which the construction of the north wing, and other special improvements, have required at their hands. For these labors, well and faithfully discharged, the gentlemen composing the Board deserve the thanks of your Honorable Body, and justly merit the commendations of every philanthropist.

With Dr. Orphans Evarts, the Superintendent, we were favorably impressed. Although new to the trying position he has assumed, he seems to understand its requirements in all their bearings, is urbane, has commendable executive ability, and is well fitted, by professional education and experience, as well as by enlarged philanthropic views and sentiments, for the chief officer of such an institution.

We wish to call your attention to the facts that the center building is now heated by twenty-five open coal grates, and that when the eight new wards are occupied, there will be in use upward of two hundred coal oil lamps for lighting the halls, rooms and corridors of the wards. The imminent risk of fire, while this condition of things is maintained, may well be imagined by this body. Only a few weeks ago the Insane Asylum at Columbus, Ohio, was destroyed by fire, and several of its helpless inmates were burned to death. The liability of our Hospital to a similar calamity, as shown by the statement above, is alarmingly threatening, and such destruction would, under our peculiar circumstances, involve a more serious loss to this State, to say nothing of the terrible sacrifice of life, which cannot be estimated, than did the burning of the Columbus Asylum to the State of Ohio, since the latter State is fortunate in the possession of four other Asylums, among which the patients, thus lately rendered houseless, have been distributed.

We therefore urge that appropriations be made to heat the center building with steam, and to erect works for the manufacture of illuminating gas.

For the ensuing two years we recommend that the following appropriations be made:

For current expenses for the year ending March 31, 1870.. \$93,000

For current expenses for the year ending March 31, 1871.. 93,000

For repairs for the year ending March 31, 1870.....	5,000
For repairs for the year ending March 31, 1871.....	5,000
For completing north wing.....	30,000
For furnishing the completed north wing.....	10,000
For furnishing the uncompleted wards in north wing, keep- ing up repair of furniture for 1869 and 1870.....	6,000
For replacing boilers used in heating south wing.....	5,000
For gas works and gas fittings.....	7,000
For heating the center building with steam.....	3,000

The amounts recommended for the annual current expenses, as above, may appear large. We would, therefore, state that within a few weeks the whole of the new north wing will be completed and occupied, and that there will be constantly resident at the Hospital five hundred patients, requiring the services of one hundred officers and employēs, making an aggregate of six hundred persons. After paying the officers and employēs, there will be left only \$1.80 per week for the subsistence of each individual. Owing to the high price of provisions, this allowance should not be considered excessive.

For further particulars, we refer you to the annual report of the Board of Commissioners and Superintendent of the Hospital.

INSTITUTION OF THE DEAF AND DUMB.

Your committee, first by its chaitman, then in a body, visited the Institution for the Deaf and Dumb, and made an examination of its condition and management. The inspection was highly satisfactory to the members of the committee. They found nothing to complain of, but much to commend in the neatness and order which was exhibited throughout the establishment.

The Board of Trustees have managed the pecuniary interests of the Institution with economy and integrity, and are entitled to the hearty commendations of the public.

To Mr. McIntire, who for so many years has held the position of Superintendent, too much praise cannot be awarded for his untiring labors in behalf of the deaf and dumb, and for his prudence and skill in the executive control of the Institution.

The Institution is suffering many inconveniences and some serious evils from the want of sufficient accommodations for the large number of pupils in attendance. This was especially the case in the crowded condition of the sleeping apartments of the pupils, in the want of suitable rooms to allow for the separation of the sick, and in the location and insufficiency of the rooms used for laundry purposes. The dining-room, bakery, kitchen, wash-house, drying-room, and store-rooms are placed in the basement of the main building, and, for so large a family, are obviously too contracted to carry on these operations advantageously, and cannot fail to render the apartments above both uncomfortable and detrimental to the health of the occupants. Your committee were fully impressed with these evils, and unhesitatingly concur in the recommendation of the Board of Trustees that means should at once be adopted for their removal. These rooms were not originally intended for, nor are they adapted to, the purposes for which they are used, nor do they admit of being properly fitted up with necessary conveniences. The original plan of the Institution contemplated an additional building for these purposes, in the rear of the main edifice. Plans and specifications for this proposed improvement were submitted to the inspection of the members of the committee. They seemed to be well conceived to remedy the evils complained of, to enlarge the accommodations commensurate with the present and prospective wants of the State, and to render the Institution one complete and harmonious whole, such as is needed for the education of this unfortunate class of her children. Enlarged accommodations ought to be provided as soon as possible, not only for the comfort of the inmates, but also for the large and increasing number of this class of persons seeking admission to the Institution, but excluded for want of room, and who, if not instructed without delay, will soon pass beyond the proper age to be benefitted.

The proposed improvement, if carried out, would obviate all the inconveniences complained of, nearly doubling the capacity of the Institution, and thus supplying the wants of the State, in this respect, for many years to come. The estimated cost of the additional building, completed, is \$42,500.00. It is recommended that \$20,000.00 of this sum be appropriated out of the revenue of 1869, and the remainder, \$12,000.00, 1870.

Your committee have agreed upon the following appropriations

for the support of the Institution for the Deaf and Dumb, and recommend that the same be made :

For current expenses year ending March 31, 1870, \$40,000.

For current expenses year ending March 31, 1871, \$40,000.

For repairs year ending March 31, 1870, viz: For replacing steam boilers and refurnishing, \$4,000.

For repairs year ending March 31, 1871, viz: For cooking range and furnishing goods, \$4,000.

For Building Fund year ending March 31, 1870, viz: For erection of building, \$30,000.

For Building Fund year ending March 31, 1871, viz: For finishing new building, \$12,000.

INSTITUTION FOR THE EDUCATION OF THE BLIND.

Your committee also report that they have made personal inspection of the building, shops and grounds of this establishment, and find them in a satisfactory condition; the general administration of its affairs is able, efficient and successful; the Superintendent, Mr. W. H. Churchman, devotes his whole time and talent to this important work, and has brought the Indiana Institution fully up to the front rank of similar Institutions. The Blind are really and truly educated in all the usual branches of learning taught in our best schools, and many of them have acquired trades, by which they become self-supporting and useful members of society.

Your committee find that the appropriations made by the last Legislature for repairs, painting the main building, and for the Organ and other special objects, have been judiciously expended, and have been confined within the sums appropriated.

The enlargement of the main buildings, as set forth in the report of the Trustees, is greatly needed now, and will become an imperative necessity very soon. The dormitories and school rooms are too much crowded, and laundry (designed to be provided for in the additions asked for) very much needed; nevertheless, your committee are reluctantly constrained to recommend that the erection of the proposed new buildings be deferred until another Legislature shall assemble.

The hot air furnaces and stoves now used in warming the buildings are deemed both unhealthy and dangerous, and in view of this fact your committee recommend an appropriation to replace them

by steam fixtures, similar to those in use in the other State Institutions.

Your committee are of the opinion that the north part of the State ground connected with the Institution, now vacant, should not be diverted from the object for which it was purchased, as the future wants of the establishment will require most or all of it.

Your committee recommend appropriations for the Institution for the Blind as follows :

For current expenses year ending March 31, 1870, \$32,500.

For current expenses year ending March 31, 1871, \$32,500.

For inside blinds to basement and upper stories of main building, \$1,500.

For steam heating apparatus for main building, \$10,000.

Mr. Pierce, of Porter, moved to refer the report to the Committee on Ways and Means, with instructions to incorporate the respective sums in the general appropriations.

Which was agreed to.

Mr. Buskirk, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee to whom was referred so much of the Governor's Message as relates to the finances and revenue of the State, have had the same under consideration, and have instructed me to report the following bills for revenue purposes for the years 1869 and 1870.

House bill No. 273. An act to raise revenue for State purposes for the years 1869 and 1870 and for subsequent years.

Which was read a first time.

On motion by Mr. Buskirk, the House resolved itself into a Committee of the Whole, for the purpose of considering the bill, with Mr. Williams of Knox in the chair.

After remaining in session some time, they arose and made the following report :

MR. SPEAKER :

The Committee of the Whole House to which was referred

House bill No. 273, "A bill to raise revenue for State purposes, for the years 1869 and 1870, and for subsequent years," have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in, and the bill passed to a second reading.

Mr. Chittenden, from the committee to whom was referred Senate bill No. 77, made the following report:

MR. SPEAKER:

The committee to whom was referred Engrossed Senate bill No. 77, a bill to amend the fifty-third section of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties, passed June 11, 1852, have had the same under consideration, and recommend that the bill lie on the table.

Which report was concurred in.

Mr. Osborn moved to take up the majority report of the Committee on Elections, which was laid on the table on yesterday.

Which was not agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson of Parke, from the Special Committee on House bill No. 200, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 200, "A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the times of holding the Courts therein," have had the same under consideration, and beg leave to make the following report. That the same be amended as follows:

"Sit in the counties of Clinton, Boone and Fountain, three weeks each," and when so amended, recommend its passage.

Mr. Palmer, from the Special Committee on House bill No. 200, submitted the following minority report:

MR. SPEAKER:

Your special committee to whom was referred House bill No. 200, defining what counties shall constitute the Eighth Judicial Circuit, and fixing the times of holding the Courts therein, have had the same under consideration, and as the majority of the committee have determined to report the same back with the recommendation that it pass, I beg leave to submit the following minority report:

The Eighth Judicial Circuit as now constituted, contains five counties, with an aggregate voting population of 20,000. The district containing the counties of Parke and Vermillion is composed of four counties, with an aggregate of 16,000 voters. This bill proposes to give the Eighth Circuit seven counties, with an aggregate of 26,000 voters, leaving but two counties with 10,000 voters, in the Eighteenth Circuit, thus giving the judge of the Eighth Circuit more work than he can perform, while the judge of the Eighteenth Circuit will have almost nothing to do. I therefore respectfully recommend that the bill be indefinitely postponed.

The question being on the adoption of the report of the minority of the committee,

Mr. Cunningham moved to refer the bill back to a special committee composed of members from the present district.

Mr. Osborn moved to lay the motion on the table.

Messrs. Miles and Carnahan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Buskirk, Chapman, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kereheval, Lamborn, Mason, Millekan, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, and Williams of Union—49.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Cox, Cunningham, Dittemore, Fuller, Hamilton, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Minor, Mock, Montgomery, Neff, Palmer, Shoaff, Shoemaker, Tebbs, Underwood, Zenor, Zollars and Mr. Speaker—37.

So the motion to lay on the table prevailed.

The hour having arrived for the regular order of business.

Mr. Bobo moved that the regular order of business be suspended, so as to allow him to introduce a Joint Resolution.

Mr. Buskirk moved to lay the motion on the table.

Messrs. Ratliff and Mitchell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Buskirk, Chapman, Chittenden, Davidson, Dittemore, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Mason, McBride, Millekan, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Skidmore, Stewart of Ohio, Stewart of Rush, Taber, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Beatty, Bobo, Bowen, Britton, Calvert, Carnahan, Cave, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Furnas, Hall, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Lamborn, Logan, Long, McDonald, McFadin, McGregor, Miller, Miles, Minor, Mitchell, Mock, Montgomery Palmer, Ratliff, Shoaff, Sleeth, Smith, Sunman, Tebbs, Underwood, Welborn, Wildman, Williams of Knox, and Zollars—49.

So the motion to lay on the table did not prevail.

The question being, on the motion by Mr. Bobo, to suspend the order of business.

It was agreed to.

Mr. Bobo introduced

Joint Resolution No. 10. A Joint Resolution to suspend the operation of Senate bill No. 133.

Which was read a first time.

Mr. Bobo moved to refer the Resolution to a Special Committee of three.

Mr. Coffroth moved to amend by referring the bill to the Committee on Cities and Towns.

Mr. Vater moved to amend by referring to Committee on County and Township Business, with instructions to report to-morrow morning.

Mr. Field, of Lake, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion by Mr. Vater,

It was agreed to.

The question recurring on the motion by Mr. Bobo as amended,

It was agreed to.

And the resolution referred to the Committee on County and Township Business.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 137, entitled a bill to amend the 23d section of an act entitled "An act to incorporate the Terre Haute and Richmond (now the Terre Haute and Indianapolis) Railroad Company," approved January 26, 1847, so as to require annual reports and exhibits from the officers of said corporation, declaring

the object of the act and an emergency for its immediate taking effect,

Was taken up and referred to the Special Committee on Railroads.

Engrossed House bill No. 73. A bill to amend section 15 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a third time.

The question being, shall the bill pass?

Mr. Dittemore moved to indefinitely postpone the bill.

Mr. Underwood moved to lay that motion on the table.

Which was agreed to.

Mr. Field, of Lake, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill,

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Bowen, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Davidson, Dunn, Fairchild, Field of Lake, Field of LAGRANGE, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan, Long, McBride, McGregor, Millekan, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Admire, Beeler, Bobo, Davis, Dittemore, Fuller, Hyatt,

Johnson of Marshall, Mason, McDonald, Miller, Monroe, Smith, Vater and Zollars—15.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

On motion, by Mr. Baker, the House adjourned.

FRIDAY, 2 O'CLOCK P. M.

The House met.

Mr. Sleeth, by consent, offered the following resolution:

Resolved, That when this House adjourn, it will adjourn to meet this evening at 7½ o'clock, for the introduction of bills and resolutions.

Which resolution was adopted.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 135. A bill to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs, and declaring them escheated to the State in twenty years.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cox, Cunningham, Davidson, Davis, Dunn, Field of Lake, Field of Lagrange, Fuller,

Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kereheval, Lamborn, Logan, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—67.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Ruddell moved that the regular order of business be suspended, and that House bill No. 52 be now taken up.

Which was not agreed to.

Mr. Ruddell moved that the bill be made the special order for Monday next, at two o'clock.

Which was agreed to.

Engrossed House bill No. 124. A bill supplemental to an act to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane persons is committed, approved February 21, 1855, and to provide for the recovery of moneys expended by one county, in the arrest, care, safe keeping, clothing and treatment of an insane person, whose legal settlements are in another county.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Beeler,

Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Cunningham, Davidson, Davis, Dunn, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lamborn, Logan, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—85.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 40. A bill to enable County Commissioners to demand, sue for and receive any bounty fund which may have been raised by the citizens of any county in this State, and which remains unexpended or not accounted for, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cox, Cunningham, Davidson, Davis, Dunn, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Odell, Overmyer, Palmer, Ruddell, Shoemaker, Smith, Stewart of Ohio,

Stewart of Marshall, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Knox, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—74.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 134. A bill to amend an act entitled an act to amend section 76 of an act defining misdemeanors and prescribing punishment therefor, approved February 14, 1865, and to enforce the same.

Which was read a third time.

Mr. Osborn, by unanimous consent, moved to amend as follows:

Insert in the first section, in the proper place, "any person who shall unlawfully go upon the lands of another, and who shall."

Which was agreed to.

Mr. Wildman moved that the amendment be considered as engrossed.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Cave, Chapman, Cory, Cox, Cunningham, Davidson, Davis, Dunn, Field of Lake, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Marshal, Jump, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miner, Monroe, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Underwood, Var-

deman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Carnahan, Miles, Mock, Neff, Palmer and Shoemaker—6.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 63, entitled a "bill prohibiting the use of spring balances, by dealers in articles sold by weight, and prescribing the penalty for its violation."

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Britton, Breckinridge, Buskirk, Chapman, Chittenden, Cox, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Marshall, Jump, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Palmer, Pierce of Porter, Ratliff, Ruddell, Shoemaker, Skidmore, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Beeler, Calvert, Carnahan, Cave, Cory, Cunningham, Greene, Hutchings, Johnson of Parke, Lamborn, Miner, Pierce of Vigo, Shoaff, Smith and Zollars—15.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have compared engrossed House bill No. 105, with the original bill, and find it correctly engrossed.

Engrossed House bill No. 5. A bill to amend the 103d section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," approved June 17, 1852.

Was read a third time.

Mr. Stewart, of Rush, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Jump, Kercheval, Logan, Mason, McFadin, McGregor, Miller, Miner, Mitchell, Monroe, Osborn, Pierce of Vigo, Ruddell, Skidmore, Stephenson, Stewart of Rush, Sunman, Underwood Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Bates, Bobo, Britton, Buskirk, Calvert, Carnahan, Cave, Cory, Cox, Cunningham, Field of Lake, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Long, McDonald, McGregor, Millekan, Miles, Neff, Odell, Palmer, Pierce of Porter, Ratliff, Shoaff, Shoemaker, Sleeth, Smith, Stewart of Ohio, Taber and Welborn—35.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 160. Entitled a bill to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations, and proceedings adopted in pursuance thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miner, Mitchell, Monroe, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Wil-

liams of Knox, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—69.

Mr. Davidson voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 113. "A bill to provide for the education of colored children, applying all school laws thereto, and repealing all laws inconsistent therewith."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Cunningham, Dittemore, Fuller, Hutchings, Johnson of Montgomery, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Neff, Odell, Palmer, Shoemaker, Sleeth, Sunman, Welborn, Williams of Knox, Zenor, and Zollars—35.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Ratliff moved to amend as follows :

“An act to render taxation for common school purposes uniform and to provide for the education of colored children of the State.”

The question being on the amendment,

It was agreed to.

The question being, shall the title as amended, stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

When the name of Mr. Lamborn was called, he obtained leave and submitted the following in explanation of his vote :

MR. SPEAKER :

I desire to give the reasons as to how I vote on this bill. Being engaged when it was called up, I did not notice until the roll call had commenced, and being silenced when it was on its engrossment, by the previous question, I have no resource but to spread my reasons on the Journal.

For thirty years of my life, I have stood beneath the negro ; have asked for no rights for myself that I have not been willing to grant to him. I look upon him as a man and a brother, and ask no privileges in the Common Schools of the State, for my children, but that I am willing to accord to the humblest colored child in the State. This bill is founded upon a prejudice that is unjust, indecent and anti-christian, a prejudice that has no existence in any country on the Globe except our own, that claims to be civilized. The bill literally shuts the door of our Common Schools to the black man, unless they are in sufficient numbers to have separate schools, and the friends of this bill know full well that this is the case but in a small portion of the counties in the State. A negro may live and own property in the State, pay tax as other men, and yet must be compelled to let his children remain in ignorance or sacrifice his property and go where he can find enough of his race to form a Common School. The law is contrary to our Constitution, in the section providing for Common Schools. I vote on this bill with the Democrats of this House, but for a

very different reason. They wish to deprive him of all the advantages of our educational system. I vote against it because it opens the schools to my children and shuts them to the colored race, and after having gone through what I have for the negro, I shall not, in this age, turn my back upon him. With him I am willing my political life shall rise or fall. But let me say, that that party, or that organization which ignores the rights of any class or race of God's people, will fall, be it ever so strong before the rising tide of the age. If the Republican party can stand, it must stand on ideas. It drew its first breath in the atmosphere of that principle which asks for the equal rights and equal brotherhood of mankind. It must still stand there, or be swept before the tidal wave of that great underlying truth, which brought our Nation into existence, and which proclaimed in the face of despotism of centuries of duration, the vital principle of man's equality before the law. Believing this bill to be wrong, and calculated to foster and encourage an ignorant prejudice, that had its origin in the wrong of Slavery, I can not, now, that that system has gone down, aid, by my vote, anything that is calculated to uphold and sustain the degradation it heaped upon the victims of its power.

For these reasons, Mr. Speaker, I vote No, and ask to have them spread upon the Journal.

Engrossed House bill No. 151. A bill to amend an act exempting certain property from sale on execution, being chapter 15; approved February 17th, 1852, by adding an additional section thereto.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McFadin, McGregor, Millekan, Miller, Miles, Minor, Monroe, Neff,

Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—80.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 60. A bill supplemental to an act entitled an act, supplemental to an act for the incorporation of Insurance Companies, defining their powers, and prescribing their duties, approved June 17, 1852, approved December 20, 1865, and providing penalties for the violation of the provisions of this act.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cox, Davidson, Davis, Dittemore, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, McBride, McFadin, McGregor, Millekan, Miller, Minor, Monroe, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Union, Zenor and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Cave, Field of Lake, Johnson of Marshall, Jump, Lamborn, Long, McDonald, Palmer, Taber and Williams of Knox—10.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Underwood moved to amend by striking out the title, and inserting the following in lieu thereof:

An act for the incorporation and continuance of Life Insurance Companies, authorizing them to reinsure their risks, exempting certain policies of life insurance from attachment by creditors, making all policies non-forfeitable after two full annual payments, repealing all laws or parts of laws inconsistent therewith, and declaring an emergency.

Which was agreed to.

The question being, shall the title as amended, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 143. A bill supplemental to an act entitled an act to provide for the regulation of the running at large of all kinds of animals within the different townships of the different counties of this State, and to provide for the taking up, impounding and selling such animals as shall not be allowed by law to run at large, approved March 31, 1862, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breekinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cox, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Minor, Mitchell, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter,

Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—82.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Johnson of Marshall, offered the following amendment:

“And providing that the owner of such animal or animals, shall not be liable for any damages or injuries that said animal or animals may or shall occasion, on any railroad track or uninclosed lands and highways.”

Which was agreed to.

The question being, shall the title as amended, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 37. A bill authorizing Township Trustees to sell bonds and procure means to build school houses, and pay debts for the erection of school buildings.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Lamborn, Mason, McBride, Millekan, Miller, Mitchell, Monroe, Osborn, Over-

myer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Cunningham, Greene, Hutchings, Hyatt, Logan, Long, McFadin, McGregor, Miner, Neff, Odell, Palmer, Shoemaker, Sleeth and Zenor—15.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Buskirk obtained leave of absence for the Committee on Ways and Means, for this evening.

Mr. Wildman asked and obtained leave of absence for the Committee on Prisons for this evening.

Messrs. Vardeman and Hutchings obtained leave of absence until Monday.

Messrs. Stephenson, Hall, Brown and Palmer obtained leave of absence for this evening.

The Special Committee on Fees and Salaries obtained leave of absence for this evening.

Mr. Zollars moved that the House adjourn.

Which was not agreed to.

Mr. Fuller moved a reconsideration of the vote by which the the House passed a resolution to have a night session.

Messrs. McDonald and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Barnett, Barritt, Beatty, Beeler, Bobo, Bowen, Carnahan, Coffroth, Cox, Davis, Dittemore, Fairchild, Field of Lagrange, Fuller, Hall, Hamilton, Higgins, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McFadin, Miner, Neff, Overmyer, Palmer, Pierce of Porter, Ruddell, Shoaff, Stewart of Ohio, Taber, Vardeman, Vater, Welborn and Williams of Hamilton—39.

Those who voted in the negative were,

Messrs. Baker, Bates, Britton, Breckinridge, Buskirk, Calvert, Chapman, Chittenden, Cunningham, Davidson, Dunn, Field of Lake, Furnas, Gilham, Gordon, Greene, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Long, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Monroe, Odell, Osborn, Pierce of Vigo, Ratliff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Underwood, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—49.

So the motion to reconsider did not prevail.

On motion by Mr. Long, the House adjourned.

FRIDAY EVENING, 7½ O'CLOCK P. M.

The House met.

INTRODUCTION OF BILLS AND RESOLUTIONS.

Mr. Ruddell introduced House bill No. 274 entitled, "A bill to authorize the issuing of arms and equipments to regularly incorporated military companies, and declaring an emergency.

Which was read a first time and passed to a second reading.

Mr. Shoaff offered the following resolution:

Resolved, That the Committee on Education be instructed to

inquire into the expediency of amending the law, so as to permit Lodges of Good Templars and Sons of Temperance to hold their sessions in school houses in localities where no other suitable building can be obtained for such purpose, and report by bill or otherwise.

Which was referred to the Committee on Education.

Mr. Shoemaker introduced

House bill No. 275. An act to amend an act touching vacancies in office, and filling the same by appointment, approved May 13, 1852.

Which was read a first time, and passed to a second reading.

Mr. Osborn introduced

House bill No. 272. A bill authorizing the Governor to institute suits against Railroad Companies which have not paid the taxes due, and making an appropriation therefor, and declaring an emergency for the immediate taking effect of the act.

Which was read a first time, and passed to a second reading.

Mr. McFadin introduced the following resolution :

Resolved, That the following Assistants of the Doorkeeper of the House, the Postmaster, Mail Carrier, Sweeper and Firemen, be entitled to the same pay as the Postmaster, Mail Carrier, Sweeper and Firemen of the Senate—five dollars per day, as the duties of the said employees of the House are as laborious, if not more so, than the said employees of the Senate, and of right and justice they ought to have the same pay.

Which was agreed to.

Mr. Sleeth introduced

House bill No. 276. A bill to authorize any person or persons owning a mill race or races, to enter upon adjacent lands and take therefrom such earth and gravel as may be necessary to repair such race or races, and paying a fair and reasonable compensation for the same.

Which was read a first time, and passed to a second reading.

Mr. Smith introduced

House bill No. 277, entitled "a bill to allow townships to bring and maintain suits in their adopted names in certain cases."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stewart, of Rush, introduced

House Joint Resolution No. 11. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their efforts to procure a pension for the widow of the late Gen. P. A. Hackleman, dating from the day of his death, October 3, 1862.

Which was read a first time, and passed to a second reading.

Mr. Underwood introduced

House bill No. 278. A bill to amend the title of an act entitled "an act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain."

Which was read a first time, and passed to a second reading.

Mr. Vardeman introduced

House bill No. 279, entitled "a bill to amend sections 3 and 4 of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and providing penalties for the violation thereof," approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. Welborn introduced

House bill No. 280. A bill to authorize incorporated towns to make subscriptions and donations to aid in the construction of plank, macadamized, gravel roads and railroads, running into or through such towns, prescribing the manner in which such subscriptions and donations may be made and for the enforcement thereof, and to provide for the issuing of bonds by such towns to plank, gravel, macadamized and railroad corporations in payment of such sub-

scriptions and donations, and to authorize the levying and collection of a special tax by the corporate authorities of such towns for the redemption of such bonds.

Which was read a first time, and referred to the Committee on Cities and Towns.

Mr. Williams, of Hamilton, introduced

House bill No. 281. A bill to apprehend and convict persons accused of crimes and misdemeanors.

Which was read a first time, and passed to a second reading.

Mr. Williams, of Knox, introduced

House bill No. 282. Entitled a bill to amend the 28th section of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant.

Which was read a first time, and passed to a second reading.

Mr. Williams, of Union, introduced

House bill No. 283. A bill regulating the employment of persons under sixteen years of age, in cotton and woolen factories in this State, and providing for the education of such persons.

Which was read a first time, and referred to the Committee on Manufactures and commerce.

Mr. Zenor offered the following resolution :

Resolved, That from and after Monday next, there shall be a night session of the House on Tuesday, Thursday and Saturday night, beginning at 7½ o'clock on each evening.

Which was laid on the table until to-morrow.

Mr. Zollars introduced

House bill No. 284. A bill to legalize the proceedings of the Common Councils of cities in opening streets and alleys.

Which was read a first time, and passed to a second reading.

Mr. Baker introduced

House bill No. 285. A bill regulating the fees of county clerks

in relation to estates and guardianships, repealing former acts in relation thereto, and declaring an emergency.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Beeler introduced

House bill No. 286. A bill to repeal an act entitled "An act to amend an act entitled an act to authorize the removal of convicts from the Southern State Prison and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said prison," approved June 1, 1861, approved March 11, 1867.

Which was read a first time, and passed to a second reading.

Mr. Calvert introduced

House bill No. 287. Entitled "A bill to amend section 156 of the practice act."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Chapman introduced

House bill No. 288. A bill amending sections 4 and 8 of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal former laws contrary to the provisions of this act, and prescribing penalties for a violation thereof, approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. Cory introduced

House bill No. 289. A bill to regulate the election of certain township officers, providing that no elector shall vote only for Supervisors of Roads in their respective road districts, declaring a violation of this law a misdemeanor, and fixing a penalty.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Cunningham introduced

House bill No. 290. "A bill to amend sections 1, 25, and 33 of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named," etc.

Read a first time, and referred to the Committee on Education.

Mr. Davidson introduced

House bill No. 291. "A bill defining who shall be eligible to vote at any general, county, township, or municipal election.

Read a first time, and referred to Committee on Rights and Privileges.

Mr. Dunn introduced

House bill No. 292. "A bill to amend section one of an act entitled an act providing for the election of county Sheriffs, and prescribing some of their duties."

Read a first time, and referred to the Committee on Judiciary.

Mr. Fairchild introduced

House bill No. 293. "A bill to amend section 16 of an act providing for the election and appointment of Supervisors of Highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Read a first time, and passed to a second reading.

Mr. Field, of Lake, introduced

House bill No. 294. "A bill for the relief of the heirs of Patrick Donovan, deceased."

Read a first time, and passed to a second reading.

Mr. Field, of Lagrange, introduced

House bill No. 295. "An act to authorize gravel road companies organized under an act approved by the General Assembly of the State of Indiana, May 12, 1852, authorizing the construction of plank, macadamized or gravel roads to assess the lands within one

and one-half miles on either side thereof, when \$800 to the mile has been subscribed."

Read a first time, and passed to a second reading.

Mr. Furnas introduced

House bill No. 296. "A bill to amend the 11th section of an act entitled an act to establish a House of Refuge for the correction and reformation of juvenile offenders, approved March 8, 1867, and to make other provisions in relation to said institution."

Read a first time, and passed to a second reading.

Mr. Gilham offered the following resolution :

Resolved, That the Assistant Clerk be allowed an additional amount of stationery, not to exceed fifty dollars' worth. This amount is believed to be sufficient for the remainder of the session, and to use in indexing the Journals.

Which was agreed to.

Mr. Higbee introduced

House bill No. 297. "A bill for the relief of Geo. Arnold."

Read a first time, and referred to the Committee on Claims.

Mr. Hutson introduced

House bill No. 298. "A bill enabling Swamp Land Commissioners and Engineers to select swamp lands and receive the same in payment for service heretofore rendered as such commissioner or engineer, and prescribing the manner in which such selections and entries shall be made."

Read a first time, and referred to the Committee on County and Township Business.

Mr. Hyatt introduced

House bill No. 299. "A bill to amend section 17 of an act entitled an act to amend sections 1, 7, and 12, of an act entitled an act to authorize the construction of laws and diaries, approved June 12, 1852, and supplemental thereto."

Read a first time, and referred to the Committee on County and Township Business.

Mr. Johnson, of Marshall, introduced

House bill No. 300. "A bill to provide for the publication of the proceedings of County Commissioners in at least two newspapers of the county, and declaring an emergency."

Read a first time, and passed to a second reading.

Mr. Lamborn introduced

House bill No. 301. "A bill to reform our jail system."

Read a first time, and referred to the Committee on Prisons.

Mr. McBride offered the following preamble and resolution :

WHEREAS, The two great political parties in the State of Indiana, in their respective Conventions assembled at the city of Indianapolis, in the year 1868, for the purpose of expressing the political sentiments of said parties, did, among other things, assert that the question of suffrage was a question that belongs to the people of the State alone, and did insert said principle in their respective platforms. Therefore,

Resolved, That in as much as we, the Representatives of the people, elected upon the platforms above mentioned without the people of the State passing upon the question of negro suffrage, do hereby re-affirm the principle, that this question is one upon which the people of the State should be permitted to pass upon at the ballot box, and that the authority to settle this question should not be assumed and arbitrarily exercised by Representatives in the General Assembly.

Which was laid on the table, temporarily.

Mr. Gordon offered the following resolution :

Resolved, That the Committee on Temperance be, and they are hereby instructed, to report a bill on the subject of temperance, similar in its provisions to the bill which was introduced in the House of Representatives of the State of Indiana, during the session of 1865, known as the Shuey bill.

Which was referred to the Committee on Temperance.

Mr. McDonald introduced

House bill No. 302 entitled "A bill to provide for the draining of swamp lands in the State of Indiana."

Which was read a first time and passed to a third reading.

Mr. McGregor introduced

House bill No. 303 entitled, "A bill repealing section 24 of an act authorizing the construction of plank, Macadamized and gravel roads," approved May 12, 1852.

Which was read a first time, and referred to the Committee on Roads.

Mr. Miller introduced

House bill No. 304 entitled, "A bill declaring that all section lines be opened as public highways."

Which was read a first time, and passed to a second reading.

Mr. Miner introduced

House bill No. 305 entitled, "A bill to amend clause 43 of section 53, of an act entitled, an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time and passed to a second reading.

Mr. Monroe introduced

House bill No. 306 entitled, "A bill fixing the *per diem* and mileage of members of the General Assembly, the pay of the Secretary of the Senate, the Clerk of the House of Representatives, the Doorkeepers of the Senate and House, the Clerks to the Committees of the two Houses, declaring who shall preside in opening the Senate, in the absence of the Lieutenant-Governor, who shall preside in the organization of the House of Representatives, defining certain duties of the State Librarian in connection with said organization," etc., etc.

Which was read a first time. and referred to the Judiciary Committee.

Mr. Odell introduced

House bill No. 307 entitled, "A bill authorizing plank, Macadamized and gravel road companies to enter upon the lands adjacent thereto, make ditches and drains, and to take therefrom materials; also to keep such roads in repair, and to enter upon any lands and take *materials* therefrom to construct any such roads, providing the mode of assessment of damages therefor, adopting uniform rates of tolls thereon, and declaring an emergency."

Which was read a first time and referred to the Committee on Roads.

Mr. Pierce, of Porter, introduced

House bill No. 308 entitled, "A bill to amend sections 4, 13 and 15 of an act entitled, an act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows, approved March 11, 1867, and supplemental thereto."

Which was read a first time, and referred to the Committee on Military Affairs.

Mr. Vater introduced

House bill No. 309 entitled "A bill to provide for the erection of a new Capitol building."

Which was read a first time and referred to the Committee on Public Improvements.

Mr. Beeler introduced the following resolution:

Resolved, That the Committee on Roads be instructed to inquire whether the Central Plank Road Company have been or are now taking or demanding more toll than their charter allows of their taking or demanding, and whether they have not, by their acts, forfeited their charter; said committee to have power to send for persons and papers.

Which was agreed to.

On motion by Mr. Miles, the House adjourned.

SATURDAY MORNING, 9 O'CLOCK, }
February 27, 1869. }

The House met.

Mr. Ratliff moved to dispense with the reading of the Journal.
Which was agreed to.

The Speaker having ordered a call of the House.

Those who answered to their names were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cox, Davidson, Dittemore, Dunn, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Monroe, Neff, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—69.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Logan presented a petition signed by sundry citizens of Pike county, asking for a Homœopathic Department in the proposed Medical School, in connection with the State University at Bloomington.

Which was referred to the Committee on Rights and Privileges.

Mr. Monroe presented a petition from sundry citizens of Graham township, Jefferson county, Indiana, praying for the release of P. B. Wilson, from the payment of \$22,700 of school funds stolen from him in December 1867.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State, without reading.

Mr. Vardeman presented two petitions from sundry citizens of Randolph county, asking for a law prohibiting the traffic in intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance.

The Speaker laid before the House a memorial from B. F. Gregory in relation to a question of boundary between Warren and Fountain counties.

Which was read and referred to the Committee on County and Township Business.

Messrs. Ruddell, Barnett, Field of Lake and Sunman, obtained leave of absence until Monday next.

REPORTS OF STANDING COMMITTEES.

Mr. Wildman moved that when the House adjourn, it be until Monday at 10 o'clock.

Which was agreed to.

Mr. Kercheval moved to take from the table the majority and minority reports of the Committee on Elections.

Mr. Welborn moved to lay the motion the table.

Messrs. Carnahan and Sunman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bates, Britton, Calvert, Carnahan, Cave, Cox, Dittmore, Fuller, Johnson of Montgomery, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Neff, Odell, Palmer, Shoaff, Sunman, Welborn, Williams of Hamilton, Williams of Knox, Zenor and Zollars—26.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Millekan, Miller, Monroe, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Smith, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams St. Joseph, Williams of Union and Mr. Speaker—43.

So the motion to lay on the table did not prevail.

The question being on the motion made by Mr. Kercheval,
It was agreed to.

Mr. Dittemore moved a call of the House.

Which was not agreed to.

The question being on the adoption of the minority report of the
Committee on Elections, to House bill No. 263,

Mr. Welborn asked leave to be excused from voting.

Mr. Calvert objected.

Messrs. Wilson and Calvert demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Bobo, Britton, Buskirk, Calvert, Carnahan, Cave, Chittenden, Cox, Davis, Fuller, Higgins, Hyatt, Johnson of Montgomery, Lamborn, Logan, Long, McBride, Miles, Mitchell, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Stephenson, Stewart of Rush, Sunman, Vater, Williams of Hamilton, Williams of Knox, Zenor, Zollars and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Davidson, Dittemore, Dunn, Field of Lake, Field of Lagrange, Furnas, Gilham, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Mason, McDonald, McFadin, McGregor, Milikan, Miller, Miner, Mock, Monroe, Odell, Osborn, Overmyer, Palmer, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Taber, Underwood, Vardaman, Willborn, Williams of St. Joseph and Williams of Union—43.

So the motion to excuse did not prevail.

Mr. Welborn moved to reconsider the vote just taken.

Messrs. Cave and Welborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Bates, Bobo, Britton, Buskirk, Calvert, Carna-

han, Cave, Cox, Dittmore, Fuller, Hyatt, Logan, Long, McBride, McFadin, Miles, Minor, Miller, Mitchell, Mock, Neff, Odell, Palmer, Pierce of Vigo, Shoaff, Sleeth, Sunman, Williams of Knox, Zenor and Zollars—31.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Beatty, Beeler, Bowen, Chapman, Chittenden, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Mason, McGregor, Millekan, Miller, Monroe, Osborn, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph and Mr. Speaker—44.

So the motion to reconsider did not prevail.

Mr. Pierce, of Vigo, obtained leave of absence until Monday.

Mr. Wildman obtained leave of absence until Monday noon.

The question recurring on the adoption of the minority report of the Committee on House bill No. 263.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 172, the same was taken up.

Mr. Kercheval offered the following resolution :

Resolved, That House bill No. 172, and all other matters pertaining to the grant of land by Congress, to establish an Agricultural College in this State, be referred to a special committee of one from each Congressional District, with instructions to report a memorial to Congress, asking that body to change the terms of the grant of land to this State, so that the proceeds from the same may be devoted to the cause of Common Schools in Indiana; and if this cannot be done, then to extend the time for the location of said Agricultural College, and provide that the interest on the

fund arising from said grant of lands may, in the meantime, be devoted to the use of Common Schools in Indiana.

Mr. Breckinridge moved to lay the resolution on the table.

Messrs. Breckinridge and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Dittmore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Johnson of Parke, Lamborn, McFadin, McGregor, Millekan, Miles, Neff, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Shoaff, Stephenson, Stewart of Ohio, Stewart of Rush, Vardeman, Vater, Welborn and Zollars—45.

Those who voted in the negative were,

Messrs. Addison, Bates, Bobo, Bowen, Britton, Chapman, Cunningham, Davidson, Davis, Field of Lake, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Logan, Long, Mason, McDonald, Miller, Miner, Mitchell, Mock, Odell, Palmer, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Taber, Underwood, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Zenor—35.

So the motion to lay on the table prevailed.

Mr. Johnson, of Marshall, moved that all speeches be limited to ten minutes.

Mr. Shoaff moved to lay the motion on the table.

Messrs. Johnson of Marshall and Addison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Beatty, Beeler, Bowen, Dunn, Fairchild, Field of Lagrange, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Marshall, Kercheval, Mason, McBride, McDonald, Miller, Mitchell, Pierce of Porter, Ruddell, Sabin, Shoemaker, Taber, Underwood, Williams of Hamilton and Zenor—26.

Those who voted in the negative were,

Messrs. Baker, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dittmore, Field of Lake, Fuller, Furnas, Gordon, Hamilton, Johnson of Montgomery, Johnson of Parke, Lamborn, Logan, McFadin, Mills, Miner, Mock, Neff, Odell, Osborn, Overmyer, Palmer, Ratliff, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Vardeiman, Vater, Williams of Knox, Williams of St. Joseph, Zollars and Mr. Speaker—46.

So the motion by Mr. Johnson did not prevail.

Mr. Chittenden moved that we now proceed to consider the sections of the bill locating said College.

Which was agreed to.

Mr. Ruddell submitted the following proposition from the Commissioners of Marion county :

State of Indiana, Marion County ss :

COMMISSIONERS' COURT, SPECIAL SESSION, }
February 17, 1869. }

Ordered, By the Board of Commissioners of Marion county, Indiana, that the Auditor of said county be and is hereby authorized to certify to the General Assembly of the State of Indiana, now in session, that if said General Assembly will locate, or cause to be located and constructed, at or within three miles of the city of Indianapolis, the "Indiana Agricultural College," this Board of Commissioners will issue to the State of Indiana, to be added to the Agricultural College,

First, One hundred thousand dollars of the bonds of the county of Marion, bearing interest at the rate of six per cent. per annum, and payable annually.

Second, Fifty thousand dollars of said bonds, payable in ten years, and fifty thousand dollars payable in twenty years from the date thereof.

This grant to be binding upon the county, from and after its acceptance by said General Assembly.

I, George F. McGinnis, Auditor of said county, certify the foregoing to be an order of the Board of Commissioners of said county.

In witness of which, I hereto subscribe my name, and
 [SEAL.] affix my official seal, this 27th day of February, 1869.

G. F. MCGINNIS,
 Auditor of Marion County.

The Governor laid before the House the following:

To his Excellency, CONRAD BAKER,

Governor of Indiana:

We the undersigned, citizens of Tippecanoe county, Indiana, being desirous that the munificent donation of the United States, for the purpose of establishing an Agricultural College in the State of Indiana, should be carried into successful operation by the State of Indiana, and believing that the Tippecanoe Battle Ground, in Tippecanoe county, is the most eligible location in the State for said College, and in order to assist the State in establishing said College, propose, if the same is located at the Battle Ground in said county, that said county will donate to the State, for the benefit of said College, the sum of fifty thousand dollars, a certified order of the Commissioners of said county making said donation, is herewith filed; also the written propositions of the Trustees of the Battle Ground Institute, and the Trustees of the Battle Ground Institute of the Methodist Episcopal Church, proposing to convey and donate each of their grounds and buildings to the State, conditional that said College is permanently located at said Battle Ground—the buildings of said Institutes having of sufficient capacity to accommodate about six hundred students, the two buildings being convenient to each other, and all of about the value of one hundred and ten thousand dollars.

We therefore pray your Excellency to lay our request before the General Assembly, in such form as will properly bring it before that body.

JOHN L. MILLER,
 JOHN ROSSER,
 JOHN M. LARUE,
 JOHN G. SAMPLE,
 W. H. LEVERING,
 JEROME MCCORMIC,

JOHN P. ANDERSON,
 D. MCBRIDE,
 M. L. PIERCE,
 MARK JONES,
 L. F. STALLARD,
 ISAAC L. BEACH

To His Excellency, CONRAD BAKER,

Governor of Indiana:

The undersigned, Trustees of the Tippecanoe Battle Ground Institute of the Methodist Episcopal Church, located at the Battle Ground in Tippecanoe county, Indiana, hereby propose to convey and donate to the State of Indiana, for the use of the Agricultural College, provided by Act of Congress, of July 5th, 1862.

Provided, Said College is permanently located by the General Assembly of the State of Indiana, at said Battle Ground.

The buildings and grounds of said Institute, being worth about \$40,000.

January 5th, 1869.

WILLIAM MOORE,
I. HEAD,
SAMUEL SHEGLEY,
CHAUNCEY JONES,
JONATHAN HOFFMAN,

To His Excellency, CONRAD BAKER,

Governor of Indiana:

The undersigned Trustees of the Battle Ground Institute, located at the Battle Ground, in Tippecanoe county, Indiana, hereby propose to convey and donate to the State of Indiana, for the use of the Agricultural College, provided by the Act of Congress of July 5th, 1867.

Provided, Said College is permanently located by the General Assembly of the State of Indiana at the Battle Ground, or as near as it will serve its best interest.

The buildings and grounds of said Institute are worth about the sum of sixty thousand dollars.

January 25th, 1869.

(Signed.)

JOHN PERDUE,
M. C. BARRAS,
ELI N. COOPER,
JOHN M. LARUE.

STATE OF INDIANA, }
 County of Tippecanoe. } ss.

Commissioners Court, Special Term, January 14th, 1869.

Be it remembered, that at a special session of the Board of Commissioners of Tippecanoe county, in the State of Indiana, held in the Auditor's Office in the city of Lafayette, on the 14th day of January, 1869, the following order was passed, to-wit:

WHEREUPON it is ordered by the Board that the sum of fifty thousand dollars, to be paid in five annual installments of ten thousand dollars each, without interest, be, and the same is hereby donated, and the same to be paid out of the Treasury of said County, for the purpose of securing the location of the Agricultural College in said County, said payments to begin one year from the date of the location of said College.

STATE OF INDIANA, }
 Tippecanoe County. } ss.

I, A. J. Castater, Auditor in and for said County, do hereby certify that the foregoing is a full, true and complete copy, of the order of which it purports to be, as appears of record in my said office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Board of Commissioners of said County, this, the 18th day of January, A. D., 1869.

[SEAL.]

A. J. CASTATER, Auditor.

H. GATES, Deputy.

Mr. Zollars offered the following amendment:

Resolved, That the blank in said section be filled by inserting Bloomington, Monroe county, in connection with the State University.

Mr. Ratliff moved to postpone the further consideration of the whole subject, and make it the special order for Tuesday next at ten o'clock.

Mr. Dunn moved to amend by making it the special order for Monday evening at seven o'clock.

Mr. Stanton moved to lay the motion on the table.

Which was not agreed to.

The question being on the amendment offered by Mr. Dunn.

It was agreed to.

Mr. Ruddell, by leave, presented the following claim :

State of Indiana, to John A. Buchanan, debtor :

For discount on certificate issued by the Trustees of Deaf and Dumb Asylum, April 8th, 1857, \$187.57.

Which was referred to the Committee on Claims.

Mr. Osborn submitted the following :

MR. SPEAKER :

The Military Committee who were charged with the examination of the Adjutant General's office, and report as to the expediency of abolishing the office, have directed me to report that they have examined the office, and have considered the expediency of abolishing the same.

That they are of the opinion that the office being a Constitutional office, it cannot be abolished by the Legislature. That they find upon examination the office has been kept in good order, and the records of army rolls and papers of importance, connected with the Indiana troops, have been carefully preserved, and the Adjutant General is entitled to great credit for his services rendered the State in adjusting the claims of the State against the General Government, and the Committee are of the opinion that the pay heretofore allowed the Adjutant General should be continued until the pending claims of the State are fully adjusted.

The Committee therefore recommend that this report be referred to the Committee on Ways and Means, and that that Committee make the necessary provision for the appropriations for the office.

Referred to the Committee of Ways and Means.

On motion of Mr. Miles, the House adjourned.

MONDAY MORNING, 10 o'CLOCK, }
 March 1, 1869. }

The House met.

Mr. Welborn moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Ratliff offered the following resolution :

Resolved, That the Principal Clerk of the House be allowed to draw such stationery in kind, not exceeding \$25 00, as may be absolutely necessary to complete the business of this session, the appropriation heretofore allowed having been expended.

Which was agreed to.

Mr. Dunn moved to dispense with the regular order of business, and take up House bills on third reading.

Which was agreed to.

Mr. Coffroth moved to reconsider the vote just taken for the purpose of taking up House bills on second reading.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 111, "A bill to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the Courts of this State."

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 109. A bill to amend the third section of an act entitled an act for the regulation of weights and measures, approved June 9, 1852.

Which was read a second time, and laid on the table.

House bill No. 107. A bill to amend an act entitled an act to

provide for the appraisement of the real estate and prescribing the duties of officers in relation thereto, approved December 21, 1858.

Which was read a second time.

Mr. Welborn moved that the bill be indefinitely postponed.

Which was agreed to.

Mr. Wildman moved to take up House bill No. 109.

Which was agreed to.

The same having been read a second time,

The question being on the engrossment of the bill.

It was not agreed to.

House bill No. 170. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations.

Which was read a second time.

The question being on the engrossment of the bill.

Which was agreed to.

Mr. Coffroth moved that a special committee of five be appointed by the Chair, to whom all bills on first and second reading be referred, for the purpose of putting the most important before the House.

It was agreed to.

The Speaker announced the following Special Committee to take into consideration all bills on first and second reading:

Messrs. Osborn, Wildman, Coffroth, Ratliff and Neff.

Mr. Neff by unanimous consent, was permitted to change his vote on House bill No. 273, from "aye" to "no."

Mr. Buskirk, from the Committee on Ways and Means, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House bill No. 251, "a bill to legalize the assessments of taxes for

the State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed for the same purposes for the years 1869 and 1870," have had the same under consideration, and have instructed me to report the same back, with the following amendments:

1st Amend the second section so that it will read as follows, viz.:

SECTION 2. That for each of the years 1869 and 1870, the tax of ten cents on each one hundred dollars in value of taxable property, authorized by the said act of December 21, 1865, and no more, shall be levied and collected for the State Debt Sinking Fund purposes, anything in the said acts of March 9, 1861, and May 13, 1861, to the contrary notwithstanding.

2d. Further amend by striking out the third section, and inserting the following in lieu thereof:

SECTION 3. The funds which may be on hand in the State Debt Sinking Fund, especially applicable by law to the redemption of the War Loan Bonds on the first day of May next, shall be applied to that purpose under the provisions of the third section of the said act of December 21, 1865, and the surplus of said funds, after paying the interest on such of said War Loan Bonds as are or shall be still outstanding, and after redeeming such of said Bonds as may be presented under said section, shall be in the redemption of the outstanding two and one-half per cent. and five per cent. certificates, as provided by said section; but so much of said fund, especially applicable to the redemption of said War Loan Bonds as may be applied to the redemption of the five and two and one-half per cent. certificates, shall, in the year 1870, be reimbursed out of the proceeds of the said ten per cent. tax, to the end that the State Debt Sinking Fund Commissioners may have funds wherewith to pay the interest on said outstanding War Loan Bonds, and to redeem such of them as may be presented for redemption: *Provided, however,* that the amount so to be reimbursed shall not exceed such sum as may be necessary to pay said interest, and to redeem such of said War Loan Bonds as may be presented for redemption as aforesaid.

3d. Amend by striking out the fourth section.

4th. Amend the last section by striking out the number which it now bears, and by designating it as Section 4.

5th. Amend preamble by adding to the end thereof these words, to-wit: "And for the application thereof to the extinction of the public debt."

6th. Amend the title of the bill so as to read as follows, viz:

"An act legalizing the assessment of taxes for State Debt Sinking Fund purposes, for the years 1867 and 1868, and declaring what amount shall be assessed and collected for the same purpose for the years 1869 and 1870, and making certain provisions as to the application of said tax."

The question being on the adoption of the amendments.

They were agreed to.

Mr. Buskirk moved that the constitutional rule be suspended, requiring bills to be read on three several days, and that House bills Nos. 251 and 273 be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cunningham, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miner, Mock, Monroe, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Skidmore, Taber, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—67.

Mr. Admire voted in the negative.

So it was deemed expedient to suspend the constitutional rule so as to put House bills 251 and 273 on their passage.

Mr. Buskirk moved that the bill be considered as engrossed for third reading now.

Which was agreed to.

House bill No. 251. An act to legalize the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed for the same purposes for the years 1869 and 1870.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cox, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miner, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Skidmore, Stewart of Ohio, Taber, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Mr. Speaker—67.

None voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 273. A bill to raise revenue for State purposes for the years 1869 and 1870 and for subsequent years.

Which was read a second time by its title.

Mr. Buskirk moved that the bill be considered as engrossed and read a third time by sections now.

Which was agreed to.

House bill No. 273 was accordingly read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beaty, Beeler, Bower, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Montgomery, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Skidmore, Stephenson, Stewart of Ohio, Taber, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Mr. Speaker—69.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Buskirk, by consent, introduced

House bill No. 209. A bill making general appropriations for the years 1869 and 1870.

Which was read a first time.

Mr. Williams, of Knox, moved to make the bill the special order for this afternoon at 3 o'clock.

Which was agreed to.

Mr. Sabin obtained leave of absence on account of sickness.

Mr. Smith obtained leave of absence for to-day, on account of sickness.

Mr. Vater moved to suspend the regular order of business, and take up House bill No, 17.

Messrs Vater and McDonald demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Beaty, Carnahan, Cave, Cory, Cunningham, Davidson, Davis, Dittimore, Fuller, Furnas, Gordon, Higbee, Lawler, McBride, McDonald, Mock, Pierce of Porter, Vater, Wile, Williams of Knox and Zenor—23.

Those who voted in the negative were,

Messrs. Admire, Bates, Bowen, Britton, Breckinridge, Calvert, Chapman, Cox, Dunn, Fairchild, Field of Lake, Field of Lagrange, Hall, Hamilton, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Lamborn, Logan, Long, Mason, McFadin, McGregor, Millekan, Miller, Miner, Montgomery, Odell, Overmyer, Palmer, Pierce of Vigo, Ruddell, Skidmore, Stephenson, Stewart of Ohio, Taber, Vardeman, Welborn, Williams of Hamilton, Williams of St. Joseph and Zellars—44.

So the motion did not prevail.

Mr. Osborn from the special committee appointed for the purpose, made the following report :

MR. SPEAKER :

The special committee to whom were referred the bills of the House now pending, would report the following, and recommend the suspension of the constitutional rule in order that said bills may be taken up and passed, to wit :

House bills Nos. 33, 194, 211, 128, 145, 268, 228, 168, 61, 272, 186, 213, 209, 79, 275, 136, 152, 158, 234, 254 and 95.

Also, Engrossed House bills No. 103 and 231.

Mr. Buskirk moved to suspend the constitutional rule to read the several bills named in the above report.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Cory, Cox, Cunningham, Davidson, Davis, Dittimore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Hall, Hamilton, Higbee, Higgins, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Monroe, Montgomery, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Stewart of Ohio, Taber, Vater, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—70.

No member voting in the negative.

So it was deemed expedient to suspend the constitutional rule to read the bills a third time now.

On motion by Mr. McFadin the House adjourned.

MONDAY, 2 O'CLOCK P. M.

The House met.

Message from the Senate by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed Enrolled Act No. 55, of the Senate : also, Enrolled Act No. 96, of the Senate, which are herewith transmitted to the House for the signature of the Speaker.

The Speaker announced that he had signed Engrossed Senate bills No. 55 and 96.

SPECIAL ORDERS FOR THE DAY.

The hour having arrived for the consideration of House bill No. 52, the same was taken up.

Mr. Ruddell moved that the House do now resolve itself into a Committee of the Whole, for the purpose of considering the bill.

Which was agreed to.

The House then resolved itself into a Committee of the Whole, with Mr. Stewart of Rush in the Chair. After remaining in session some time, the Committee arose, and made the following report:

MR. SPEAKER:

The Committee of the Whole House to whom was referred House bill No. 52, a bill authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867, have had the same under consideration, and direct me to report the same back to the House with the following amendments:

Strike out all after the enacting clause and insert the following:

That an act entitled an act authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, &c., approved March 11, 1867, be and the same is hereby repealed: *Provided, however*, that all rights now reserved and assessments made under said law, are hereby saved in the same manner and to the same extent as though this law had not been passed.

Mr. Coffroth moved that the House concur in the report of the committee, and adopt the amendment.

Mr. Zenor moved the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment and in concurring in the report,

Messrs. Coffroth and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Bobo, Britton, Calvert, Coffroth, Cory, Cox, Cunningham, Dittimore, Dunu, Fuller, Furnas, Johnson of Montgomery, Lawler, Long, Mason, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Shoemaker, Sunman, Taber, Welborn, Wile, Zenor and Zollars—36.

Those who voted in the negative were,

Messrs. Addison, Baker, Bates, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Carnahan, Cave, Davidson, Davis, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Lamborn, Logan, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Underwood, Varde-man, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—50.

So the amendment was not agreed to, and the report was not concurred in.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 309, a bill making general appropriations for the years 1869 and 1870, the same was taken up.

Mr. Pierce of Porter, moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that the bill read a second time by the title, and a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Bates, Beeler, Breckinridge,

Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cox, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Minor, Mitchell, Mock, Monroe, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zollars and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Admire, Cave, Cory, Cunningham, Dittmore, McDonald, Montgomery, Williams of St. Joseph and Zenor—9.

So it was deemed expedient to suspend the constitutional rule, and the bill was read a second time by sections.

Mr. Vater moved to amend section 3 by striking out \$800 and inserting \$1,800, for clerks of Superintendent of Public Instruction.

Mr. McFadin moved to lay the amendment on the table.

Messrs. McFadin and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Cory, Cox, Cunningham, Dittmore, Fuller, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Sleeth, Sunman, Wile, Williams of Knox and Zenor—34.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Breckinridge Buskirk, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hut-

son, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Zollars—51.

So the amendment was not laid on the table.

The question being, on the amendment of Mr. Vater.

Mr. Pierce, of Porter, moved to amend by striking out “\$1,800,” and inserting in lieu thereof “the amount annually allowed by law for this purpose.”

Which was accepted by Mr. Vater.

The amendment was then agreed to.

Mr. Pierce, of Porter, moved to amend section 13, by striking out “two,” where it occurs, and inserting “ten.”

Which was agreed to.

Mr. Cory moved to strike out so much of section 12, as appropriates \$10,000 to purchase steam heating apparatus for Blind Asylum.

Which was agreed to.

Mr. Buskirk offered the following amendment:

Amend section 16, by striking out twenty Circuit Judges, and insert twenty-five; strike out \$40,000 and insert \$50,000, in reference to salaries. Also strike out twenty Prosecuting Attorneys, and insert twenty-five; strike out \$10,000 and insert \$12,500.

Which was agreed to.

Mr. Odell moved to amend by striking out \$5,000 for salary of Adjutant General, and insert \$3,000.

Which was laid on the table.

Mr. Cory moved to amend section 20, by striking out so much as appropriates \$1,000 to defray the incidental expenses of the State Auditor's office.

The question being, on the adoption of the amendment offered by Mr. Cory.

Messrs. Cory and Miles demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cox, Davidson, Field of Lake, Hyatt, Johnson of Parke, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Monroe, Montgomery, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Vater, Williams of Knox, Zenor and Zollars—38.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Buskirk, Coffroth, Davis, Dittemore, Dunn, Fairechild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Higbee, Higgins, Hutson, Johnson of Marshall, Kercheval, Lamborn, Mason, Mitchell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—42.

So the amendment was not adopted.

On motion by Mr. Lamborn, the House adjourned.

MONDAY EVENING, 7 O'CLOCK P. M.

The House met.

On motion by Mr. Stewart, of Rush, Mr. Osborn took the chair, and called the House to order.

SPECIAL ORDER FOR THE HOUR.

The hour of 7 o'clock having arrived, being the hour for the consideration of House bill No. 172, an act creating, establishing, locating and providing for the maintenance of the Indiana College of Agriculture and the Mechanic Arts, providing a Board of Trustees, and declaring an emergency.

Mr. Stewart, of Rush, moved that the same be taken up.

No quorum voting, the Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Coffroth, Cox, Davidson, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Williams of Hamilton, Williams of Knox, Williams of Union and Zenor—67.

A quorum being present, a further call was dispensed with.

Mr. Williams, of Knox, moved that we now proceed to locate the Agricultural College by a *viva voce* vote.

On motion by Mr. Davidson, the House adjourned.

TUESDAY MORNING, 9 O'CLOCK, }
 March 2, 1869. }

The House met.

On motion of Mr. Ratliff, the reading of the Journal was dispensed with.

Mr. Pierce of Vigo, moved that the regular order of business be suspended, and that the House take up House bills on third reading.

Which was agreed to.

Mr. Ratliff, by consent, offered the following resolution :

Resolved, That this House confirm the employment of the Stationery Clerk of the State Librarian.

Which resolution was adopted.

Mr. Ratliff offered the following resolution :

WHEREAS, Samuel Beatty, member from Starke and Laporte counties, has incurred, for taking of depositions in case of contest in said counties, an expense of \$111,75, therefore,

Resolved, That the Committee on Ways and Means be instructed to examine into the justice of said claim, and if they find it correct, incorporate the same into the specific appropriation bill.

Which was referred to the Committee on Ways and Means.

HOUSE BILLS ON THIRD READING.

House bill No. 178. A bill amending section 5, of an act entitled an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act, approved, February 18th, 1859, and prescribing the time of electing Township Trustees, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, Millekan, Miller, Miner, Osborn, Overmyer, Pierce of Vigo, Ratliff, Shoemaker, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bobo, Cory, Cox, Dittmore, Hutchings, McDonald McFadin, McGregor, Montgomery, Neff, Odell, Palmer, Shoaff and Sleeth—15.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Joint Resolution No. 7. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law granting to soldiers in the army in the late rebellion, land warrants.

Which was read a third time.

Mr. Underwood, by unanimous consent, offered the following amendment:

Amend by inserting the words "and sailors," after the word "soldiers."

Which was agreed to.

The question recurring on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cox, Cunningham, Davidson, Davis, Dunn, Fairehild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kereheval, Lamborn, Logan, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—82.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Underwood moved to amend the title of the resolution as follows:

A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law granting land warrants to soldiers and sailors in the late war for the suppression of the late rebellion.

Which was agreed to.

The question being, shall the title as amended, stand as the title of the joint resolution?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your committee, to whom was referred Engrossed House bill No. 170, have compared the same with the original, and find the same correctly engrossed.

Engrossed House bill No. 165. A bill providing for a geological survey of the State, and for the collection and preservation of a Geological and Mineralogical Cabinet, and creating the office of State Geologist.

Which was read a third time.

Mr. Furnas, by unanimous consent, offered the following amendment:

In Section two, after the fourth line, add as follows: "And said Geologist shall hold his office for a term of two years, and until his successor shall be appointed as aforesaid."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Barritt Beatty, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miner, Monroe, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Tebbs Vardeman, Welborn, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Admire, Bates, Bobo, Britton, Cave, Cox, Cunningham, Hyatt, Johnson of Montgomery, Johnson of Marshall, Long, McBride, Miles, Mock, Montgomery, Neff, Sleeth, Sunman, Underwood and Williams of Hamilton—20.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 100. A bill to amend the 10th section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cox, Davidson, Davis, Field of Lagrange, Fuller, Furnas, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McFadin, McGregor, Millekan, Miller, Mock, Montgomery, Odell, Osborn, Overmyer, Shoemaker, Skidmore, Sleeth, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—58.

Those who voted in the negative were,

Messrs. Bobo, Buskirk, Coffroth, Dittemore, Dunn, Fairchild, Field of Lake, Gilham, Gordon, Johnson of Parke, Johnson of Marshall, Long, McDonald, Miles, Miner, Monroe, Neff, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Stephenson, Stewart of Ohio, Tebbs, Welborn, Wile, Wilson, Zollars and Mr. Speaker—30.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 111, have carefully compared the same with the original, and find it properly engrossed, in every particular.

Engrossed House bill No. 179. A bill repealing section 1 of an act entitled, an act prescribing the number and defining the powers of Constables, and prescribing the time of electing the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Breckinridge, Buskirk, Calvert, Chapman, Chittenden, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Logan, Long, Mason, McBride, Millekan, Miller, Miles, Monroe, Osborn, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Carnahan, Cave, Cory, Cox, Cunningham, Hutchings, Hyatt, Johnson of Montgomery, Lamborn, McDonald, McGregor, Mock, Neff, Odell, Palmer, Pierce of Porter and Sleeth—17.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Overmyer obtained leave of absence for to-day.

Mr. McFadin presented a petition from citizens of Royal Center, praying for a law incorporating that town.

Which was referred to the Committee on Cities and Towns.

Mr. Williams of Knox, by leave, presented a petition from forty citizens of Knox county, on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Coffroth, by consent, presented a claim of \$79.68, for the labor of James Morris and others, convicts illegally held to service in the State Prison South.

Which was referred to the Committee on Claims, without reading.

Engrossed House bill No. 114, entitled "a bill to amend the fifth section of an act approved March 6, 1867, entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed."

Which was read a third time.

Mr. Underwood, by consent, moved to amend by inserting after the word "three years," in section first, the words "from the first day of July after their election."

Which was agreed to.

Mr. Welborn moved to refer the bill back to the Committee with instructions.

Which was not agreed to.

Mr. Buskirk moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Barritt, Bates, Beatty, Bowen, Breckinridge, Buskirk, Chittenden, Cory, Davidson, Davis, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, McBride, Millekan, Miller, Miles, Mitchell, Odell, Osborn, Palmer, Ratliff, Sabin, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, Wilson and Zenor—52.

Those who voted in the negative were,

Messrs. Addison, Admire, Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cox, Cunningham, Dittemore, Field of Lake, Fuller, Hyatt, Johnson of Montgomery, Lawler, Lamborn, Logan, Long, McDonald, McFadin, Miner, Mock, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Sunman, Welborn, Wile, Wildman, Williams of Knox and Mr. Speaker—38.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 93. A bill to amend section 15 of an act entitled an act to create a State Normal School, and declaring an emergency, approved December 20, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bobo, Britton, Breckinridge, Calvert, Cory, Cunningham, Fairchild, Furnas, Gilham, Greene, Higbee, Hutson, Johnson of Montgomery, Jump, Lamborn, McDonald, McGregor, Miles, Mock, Ratliff, Ruddell, Sabin, Stephenson, Taber, Underwood, Vater, Zenor and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Addison, Barritt, Bates, Beeler, Bowen, Buskirk, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cox, Davidson, Dittmore, Dunn, Field of Lake, Field of Lagrange, Fuller, Gordon, Hall, Hamilton, Higgins, Hyatt, Johnson of Parke, Johnson of Marshall, Lawler, Logan, McBride, McFadin, Millekan, Miller, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Wilson—50.

So the bill failed to pass for want of a constitutional majority.

Engrossed House bill No. 42. Entitled a bill to amend section 21 of an act entitled "An act to authorize a company to construct the Aurora and Laughrey turnpike," approved Feb. 15, 1848.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bowen, Britton, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Davidson, Davis, Dittmore, Dunn, Fairchild, Field of Lake, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Logan, Long, Mason, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mock, Monroe, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Mr. Speaker—70.

Mr. Neff voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Williams of Knox, from the Committee on House bill No. 78, a bill in relation to the salaries of county officers, and providing the manner of paying the same, and regulating the allowance to be made by County Boards, and Circuit and Common Pleas Courts, and repealing all laws inconsistent herewith, have had the same under consideration, and ask leave to submit the following majority report:

MR. SPEAKER:

Strike out all after the enacting clause and insert the following:
That Section 2 of the first above-mentioned act be amended to read as follows:

Clerks fees in the Circuit and Common Pleas Courts.

SECTION 2. The Clerk's fees in the Circuit and Common Pleas Courts shall be as follows:

For every writ, summons, or other process, 50 cts.

Entering action, 5 cts.

Filing each paper, 5 cts.

Copy of any paper record, per 100 words, 10 cts.

Entering every motion, 10 cts.

Entering and reading every order, 10 cts.

Entering every rule, 10 cts.

Entering every satisfaction of record, 15 cts.

Receiving and entering a verdict, 10 cts.

Entering every judgment, 20 cts.

Entering appearances, 5 cts.

Every writ of inquiry, 25 cts.

Entering on all the dockets total charges for term, 30 cts.

Empannelling and swearing jury, 10 cts.

Taxing fees and fee books, per 100 words, 10 cts.

Administering oath in Court, 5 cts.

Making complete record, per 100 words, 10 cts.

Searching record for one year, 10 cts.

Every year back, 5 cts.

Every continuance from term to term, 20 cts.

Every issue of fact joined, 25 cts.

Making out notices to non-residents, 50 cts.

For marriage license, record of same, and record of the certificate and necessary affidavits, \$1.

Recording certificate of estray, 50 cts.

Taking bail for stay of execution, 25 cts.

Docketing bail on judgment docket, 20 cts.

Issuing fee bill, 50 cts.

Filing and recording transcript as a lien on real estate, 50 cts.

Every 100 words of record transcribed in a writ of scire facias or vendi-tionii exponas, 10 cts.

Each certificate required to school fund mortgage, to be paid by the person desiring the same, 25 cts.

For each affidavit, 25 cts.

For each certificate and seal required by law, 50 cts.

Issuing writ of habeas corpus, 50 cts.

SEC. 4. That Section 4 of said act be amended to read as follows:

The Clerk's fees in relation to estates and guardianships shall be as follows, to wit:

For all copies, per 100 words, 10 cts.

Administering an oath, 5 cts.

For each writ required by law, 50 cts.

For letters of administration or guardianship, and recording the same, \$1.

Proving a will, and endorsing a certificate thereon, \$1.

Qualifying administrator, executor or guardian, \$1.

Proving codicil and endorsing certificate, \$1.

Recording an account, inventory or will, per 100 words, 10 cts.

Giving each notice required by law, 50 cts.

Entering each order and reading the same, 10 cts.

For each affidavit required by law, 25 cts.

For entering each motion, 10 cts.

For entering on appearance docket the title of an estate, 10 cts.

For entering a continuance of an estate for settlement from term to term, 20 cts.

For certificate and seal, 50 cts.

Filing each paper, 3 cts.

For making entries and records not herein provided, per 100 words, 10 cts.

For every trial, 25 cts.

Docketing each claim against an estate, but one charge shall be made, 10 cts.

Docketing each claim against an estate, on the issue docket and allowance docket, but one charge shall be made, 30 cts.

SEC. 5. That Section 5 of said act be amended to read as follows:

The Sheriff's fees shall be as follows, to wit :

For service of a writ and taking into custody, 50 cts.

Every mile necessarily traveled in going and returning, to serve process, 10 cts.

Taking bail, 25 cts.

Taking recognizance, and drawing up same, 50 cts.

Returning every writ, 10 cts.

In summoning a jury, 25 cts. for each person named in service, and mileage as above.

Executing writ of possession, \$1.

Calling a jury, in each case, 10 cts.

For every person committed to jail, 50 cts.

Discharging every person out of jail, 40 cts.

Holding an inquisition, drawing up and returning same, \$1.

Serving summons, 50 cts.

Attending a prisoner before a judge, when surrendered by his bail, and remanding such prisoner into custody, 50 cts.

Boarding each prisoner, per day, 60 cts.

For selling property on execution a commission of 5 per centum on the first \$300, and one per cent. on any excess above that amount; and when the money is paid to him without sale, one-half only of said commission shall be allowed.

Taking a valuation of all lands included in one levy, for the first tract, 75 cts.

And each additional tract, 10 cts.

Taking a replevin bond, 75 cts.

Serving capias ad satisfaciendum, \$1.

Levying on property and advertising the same, \$1.

When advertisement is made, he shall be allowed the necessary printer's bill, mileage as above when no money is made and no other fee or reward shall be allowed on executions, except for the expense of keeping property, making sheriff's deed, \$2.

Serving writ of attachment, 50 cts.

Returning writ of attachment, 25 cts.

For postage paid on letters received from or directed to the Clerk of the Supreme Court, enclosing process issued by said Court, the amount to be returned as item of charge.

When the sheriff is provided by the County Commissioners with a dwelling room in the building containing the jail he shall not be allowed per day for each prisoner exceeding 60 cts.

In criminal cases not provided for, the like fees as for services in civil cases.

For collecting fee bills, 6 per cent. on the amount thereof.

For taking prisoner to another county, 25 cents per mile for distances necessarily traveled and necessary expenses of such prisoner, to be paid by the County Board.

For each commitment and discharge of prisoner, under city authority, 25 cts.

For attending court \$2 per day ; provided always, that no greater amount than two shall be charged or paid for any one day's attendance in court, without regard to the number of courts in session at the time, and no allowance shall be made to any deputy, or for the service of any deputy, in attending court.

County Treasurers' fees shall be as follows, to-wit :

County Treasurers' fees for collecting shall be 8 per cent. on the first one thousand dollars.

Seven per cent. on the amount between one and two thousand dollars.

Six per cent. on the amount between two and three thousand dollars.

Five per cent. on the amount between three and four thousand dollars.

Four per cent. on the amount between four and five thousand dollars.

Three per cent. on all sums over five thousand dollars and under fifteen thousand dollars.

On all sums over fifteen thousand and under twenty-five thousand dollars, 2 per cent.

On all sums over twenty-five thousand dollars and under fifty thousand dollars, 1 per cent.

On all sums over fifty thousand dollars one-half of one per cent.

Two and one-half per cent. on all moneys received into the county treasury, other than tax and school funds.

For redeeming and registering each county order, 5 cts.

For each tract or lot of land sold for taxes, 10 cts.

For all collections of delinquent tax, other than that collected on the tax duplicate, 10 cts. *Provided*, that 10 per cent. on collections shall only be allowed or paid for collections made between the third Monday in April and the first Monday in October.

Two per cent. on the amount of common school and congressional township interest collected from borrowers in his county, and one per cent. damages accruing on all sales for the non-payment of loans.

For every mile necessarily traveled in going and returning to make settlement with the Auditor and Treasurer of State, and to make deposits of State revenue, under the instructions of such Treasurer and Auditor, 8 cts.

It shall not be lawful for Circuit Courts, Courts of Common Pleas, or Boards of County Commissioners, to make any allowance or order any money paid out of any county treasury, to any clerk or sheriff, except the \$2 per day allowed sheriffs for attending courts, as provided for by this act, for any service whatever, performed by

such officers, in the discharge of their official duties, nor shall any allowance be made to any County Auditor or County Treasurer for any extra service, or for any other services whatever, the fee for which is not distinctly and clearly prescribed by law, and no allowance shall be made to such Auditor and Treasurer, except upon an itemized statement, verified under oath.

That section 8 of said act be amended to read as follows :

SECTION 8. The County Auditor's fees shall be as follows, to-wit :

For all records, copies, and other writings, per one hundred words, (counting three figures as one word), 10 cts. *Provided*, that no words or figures not actually written and appearing on record or writings, shall be counted, nor shall words be counted not necessary to a clear understanding of the intent and meaning of any writing ; *and provided further*, that no printed headings upon tax duplicates, delinquent or other records, shall be counted.

Issuing each county order, taking payee's receipt, and delivering the same, 5 cts.

Each tax certificate and all services connected therewith, ²⁵25 cts.

Each record of an agreement, 25 cts.

Each acknowledgment of a deed, to be paid by the person for whom the service is performed, 25 cts.

Assignment of tax and school certificate, and recording the same, to be paid by the assignor, 25 cts.

Administering an oath, 5 cts.

Each tax deed, to be paid by the person receiving such deed, \$1.

Each special constable's bond, oath and registration of the same, to be paid by such constable, \$1.

Each certificate and seal, required by law, to be paid by the person requesting the same, excepting tax certificates, 50 cts.

Each mortgage to secure a loan of school funds, with borrower's affidavit, to be paid by the mortgagor, 50 cts.

Each tract or parcel of land sold for taxes, 10 cts.

Writing any affidavits necessarily connected with the business of his office, and swearing the affiants thereto, 25 cts.

Each merchant's or other license, 50 cts.

Each bond taken in the discharge of his official duties, 30 cts.

Each quietus for land redeemed, to be paid by the person redeeming, 20 cts.

Each quietus for Treasurer's receipt, to be paid by the party requesting the same, 5 cts.; *provided*, that no fee for issuing quietus shall be charged the county or school funds.

Each writ, notice or process, required by law to be under seal, 50 cts.

If not under seal, 25 cts.

For every entry and transfer of land for taxation, to be paid by the person requesting the same, 10 cts.

Filing each paper required to be filed, 5 cts.; *provided*, that it shall not be necessary to file canceled county orders, papers returned by Township Assessors and appraisers of real estate, road receipts, or orders for county orders, nor shall any charge be made or fee paid therefor.

Two per cent. on the amount of Common School and Congressional Township interest paid into the county treasury by borrowers in his county, and one per cent. damages accruing on all sales for the non-payment of loans.

Each day engaged as member of County Board of Equalization, \$2.

In trials before the Board of County Commissioners, the Auditor shall be entitled to the same fees as are allowed Clerks of the Circuit Court for similar services, where no specific fee is fixed in this act, which shall be paid by the county, or other person, as the right of the case may be, as such Board or Court may order.

Which report was laid on the table.

Engrossed House bill No. 146. A bill requiring Township Trustees to examine the dockets of Justices of the Peace as to their delinquency in paying over fines to the proper officers.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Logan, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—82.

Mr. Zollars voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 147. A bill providing for the care of certain idiots.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Bowen,

Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Chittenden, Cory, Cunningham, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoemaker, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Admire, Beatty, Cave, Davidson, Hutchings, McBride, Montgomery and Neff—8.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 82. A bill to amend section 2 of an act entitled, an act for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent therewith, and declaring an emergency, approved March 11, 1867.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Bates, Beatty, Breckinridge, Calvert, Carnahan, Cave, Davidson, Davis, Dittemore, Dunn, Fairchild, Fuller, Furnas, Gilham, Greene, Higgins, Hutson, Johnson of Parke, Logan, Long, Mason, McGregor, Millekan, Miller, Miles, Mock, Neff, Osborn, Palmer, Pierce of Vigo, Stewart of Rush, Tebbs, Welborn, Williams of Knox, Zenor and Zollars—39.

Those who voted in the negative were,

Messrs. Admire, Barnett, Beeler, Bowen, Buskirk, Chapman, Chittenden, Coffroth, Cory, Cunningham, Field of Lake, Field of Lagrange, Hall, Hamilton, Higbee, Hyatt, Johnson of Montgomery, Jump, McBride, McFadin, Miner, Mitchell, Monroe, Pierce of Porter, Ratliff, Sabin, Shoaff, Shoemaker, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—38.

So the bill failed to pass, for want of a constitutional majority.

Engrossed House bill No. 103. A bill declaring certain contracts to pay Attorney's fees, void.

Was read a third time.

The question being, shall the bill pass?

Mr. Welborn moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Carnahan, Cave, Coffroth, Cox, Cunningham, Davidson, Davis, Field of Lagrange, Fuller, Gilham, Greene Hall, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Neff, Osborn, Pierce of Porter, Ratliff, Sabin, Shoaff, Skidmore, Sleeth, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Hamilton, Williams of Knox, and Williams of Union—58.

Those who voted in the negative were,

Messrs. Baker, Breckinridge, Buskirk, Calvert, Chapman, Cory, Dittmore, Dunn, Fairchild, Field of Lake, Furnas, Gordon, Higbee, Higgins, Johnson of Marshall, Johnson of Parke, Miner, H. J.—54

Mitchell, Mock, Monroe, Montgomery, Odell, Palmer, Pierce of Vigo, Ruddell, Shoemaker, Stewart of Ohio, Sunman Vater, Welborn, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—38.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 140. A bill repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 22, of an act entitled an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots and providing compensation for the services of such officers, approved March 11th, 1867, and prescribing further duties of the officers of elections.

Which was read a third time.

The question being, shall the bill pass?

Pending which, on motion of Mr. Coffroth, the House adjourned.

TUESDAY, 2 O'CLOCK.

The House met.

Pending the adjournment was the consideration of House bill No. 140.

The question being on the passage of the bill.

Mr. Pierce moved to re-commit to the Committee on elections, with instructions to report the following amendment:

SEC. —. Before any inspector, member of election board, or clerk thereof, shall enter upon his duties, he shall take and subscribe an oath to faithfully discharge his duties, and not to reveal directly or indirectly, the ballot of any elector, or the manner in which any such elector shall have voted, and any clerk or member of such Board, who shall violate the provisions of this section shall be punished as above provided, for other violations of this law.

SEC. —. It shall be the duty of the inspector of said election board, to have the ballots cast at such election, counted as now directed by law, *Provided*, That it shall be unlawful for any person or persons, save the members of said board, and the clerks thereof, to be present when such ballots are being counted, and violations of this section shall be punished as above prescribed.

All laws or parts of laws in conflict with this act are hereby repealed.

Mr. Wildman moved to lay the amendment on the table.

Messrs. Wile and Wildman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Park, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Stephenson, Stewart, of Ohio, Stewart of Rush, Taber, Underwood, Vardeman and Wildman—15.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Cunningham, Dittmore, Field of Lake, Fuller, Furnas, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Palmer, Pierce of Porter, Shoff, Shoemaker, Sleeth, Sunman, Vater, Wedborn, Wile, Williams of Knox, Zenor and Zollars—44.

So the motion to lay on the table prevailed.

The question recurring on the passage of the bill.

Mr. Buskirk moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beaty, Baker, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cunningham, Dittimore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Shoaff, Shoemaker, Sleeth, Sunman, Welborn, Wile, Williams of Knox, Zenor and Zollers—42.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Buskirk moved that the rules be suspended for the purpose of taking up House bill No. 309.

Which was agreed to.

The twenty-fifth section was read, being the point at which the same was left off on yesterday.

Mr. Williams of Knox moved to strike out "one thousand dollars for Adjutant General's office."

Which was agreed to.

Mr. Cory moved to reconsider the vote taken yesterday, whereby the latter clause of section 12, which appropriates \$10,000 for heating apparatus for the Asylum for the Blind, was stricken out.

Which was agreed to.

By consent, Mr. Cory withdrew the motion to strike out the clause aforesaid.

Mr. Ruddell moved to amend section 28, by adding thereto as follows:

That for the liquidation of the indebtedness of the State Prison South, the sum of \$5,000 be, and the same is hereby appropriated.

The question being on the amendment.

Mr. Coffroth moved to lay the said section 28, and the amendment offered by Mr. Ruddell, on the table.

Mr. Buskirk called for a division of the question.

Which was so ordered.

The question being, on the motion to lay section 28 on the table.

Messrs. Buskirk and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Law-

ter, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Skidmore, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Zenor, Zollars and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Breckinridge, Buskirk, Johnson of Parke, Mason, Osborn, Ratliff, Ruddell, Sabin, Stephenson and Williams of St. Joseph—10.

So the motion to lay on the table prevailed.

The question being on the motion to lay the amendment offered by Mr. Ruddell, on the table.

Messrs. Buskirk and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Beatty, Beeler, Bobo, Britton, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cox, Cunningham, Fuller, Gordon, Greene, Higbee, Higgins, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—52.

Those who voted in the negative were,

Messrs. Baker, Barnett, Bowen, Breckinridge, Chittenden, Cory, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of LAGRANGE, Furnas, Gilham, Hall, Hamilton, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Mason, Monroe, Pierce of Porter, Ruddell, Sabin, Skidmore, Underwood, Vardeman, Vater, Williams of Union and Mr. Speaker—32.

So the motion to lay on the table prevailed.

The 39th section was read.

The question being, on its adoption.

Mr. Cory moved that the same be stricken out.

Which was agreed to.

Mr. Buskirk moved to amend section 30, so that it shall read as follows :

For public printing, paper and binding, the sum of \$27,000 is hereby appropriated, for the years 1869 and 1870. Out of this appropriation the State Printer shall print, under the direction of the State Board of Agriculture, the reports of the Board for the aforesaid years, also the report of the State Horticultural Society, for the years aforesaid.

Which was agreed to.

Mr. Vater moved to strike out of section 34, the words "State Offices."

Which was agreed to.

Mr. McFadin moved, that the House do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Lamborn, Higgins, Gordon, Ratliff, Buskirk, Sabin, Davis, Stewart of Ohio, Hutson and Underwood.

Those who voted in the affirmative were,

Messrs. Barritt, Bowen, Britton, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Cunningham, Fuller, Hall, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Sleeth, Stephenson, Sunman, Underwood, Welborn, Williams of Knox, Zenor and Zollars—41.

Those who voted in the negative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Breckinridge, Buskirk, Davidson, Davis, Dunn, Fairchild, Field of La-grange, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Johnson of Marshall, Kercheval, Lamborn, Mason,

Millekan, Miller, Monroe, Ratliff, Ruddell, Sabin, Skidmore Stewart of Ohio, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams of Union and Mr. Speaker—42.

So the motion to adjourn did not prevail.

Mr. Cunningham moved to amend section 34 by striking out \$3,000, and inserting in lieu thereof \$1,000.

Mr. Ratliff moved to lay the amendment on the table.

Whereupon Messrs. Cunningham and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeler, Breckinridge, Buskirk, Davis, Furnas, Gordon, Higbee, Kercheval, Mason, Monroe, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Admire Baker, Barnett, Barritt, Bates, Beatty, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cox, Cunningham, Davidson, Dunn, Gilham, Greene, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Sleeth, Sunman, Vardeman, Welborn and Williams of Knox—45.

So the amendment was not laid on the table.

Mr. Buskirk moved that the further consideration of House bill No. 309 be postponed, until 9 o'clock to-morrow morning.

Which was agreed to.

Mr. Cory moved that the House do now adjourn

Which was agreed to.

WEDNESDAY MORNING, 9 o'clock, }
 March 3d 1869. }

The House met.

On motion by Mr. Davidson, the reading of the Journal was dispensed with.

Mr. Cox obtained leave of absence on account of sickness of family.

Mr. Coffroth obtained leave of absence indefinitely.

Mr. Osborn obtained leave of absence on account of sickness in family.

Mr. Stewart of Rush, by consent offered the following resolution:

Resolved, That the principal clerk of the House of Representatives is hereby authorized to file all the books, bills and papers of this House upon the adjournment thereof, with the State Librarian, taking his receipt for the same, which receipt shall be filed among other papers, and placed upon the Journal; and said clerk is hereby instructed to make and publish in the Journal a complete calendar of all the bills and joint resolutions pending in the House, for the convenient use of the members in case of an extra session; and that for all such work done after adjournment, such clerk shall receive \$5 per day for every day actually employed, the time to be sworn to by him, and certified by the Speaker of the House, upon which certificate the Auditor of State shall issue his warrant, and said clerk shall be paid out of the money appropriated for the payment of other legislative expenses: *Provided*, said pay shall not exceed the sum of fifty dollars, (\$50 00.)

Which resolution was adopted.

Mr. Vater offered the following resolution:

Resolved, That when this House adjourn after dinner, it adjourn to meet this evening at fifteen minutes after seven o'clock, to consider the Agricultural College Bill.

Which was not concurred in.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 309. A bill making general appropriations for the years 1869 and 1870.

The same was taken up at the point left off on yesterday.

Mr. Buskirk moved to amend Section 43, by striking out "20" and inserting in lieu thereof "25," for the number of Circuit Judges. Also strike out \$40,000 and insert in lieu thereof \$50,000. Also to amend the same section by striking out "20" and inserting in lieu thereof "25" for the number of Prosecuting Attorneys, and strike out \$10,000 for compensation of the same and insert in lieu thereof \$12,500.

Which was agreed to.

Mr. Vater moved to amend Section 46, by striking out "\$1,000 for incidental expenses of the Auditor's Office."

Mr. Buskirk moved to lay the amendment on the table.

Which was agreed to.

The 47th Section was read.

Mr. Williams of Knox, moved to amend Section 47 by striking out "\$20,000 and inserting in lieu thereof \$10,000, for the year 1869, and the same for the year 1870."

Mr. Breckinridge moved to lay the amendment on the table.

Messrs. Williams of Knox and Dittmore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cox, Davidson, Dittemore, Fuller, Hyatt, Johnson of Montgomery, Johnson of Parke, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Sleeth, Sunman, Wile, Williams of Knox, Zenor and Zollars—40.

So the motion to lay on the table prevailed.

Mr. Dittemore moved to amend Section 24, by appropriating \$15,000 per year for the years 1869 and 1870, for the purpose of erecting a building for the orphans at the Soldiers' and Seamen's Home at Knightstown, Indiana.

Mr. Furnas moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the resolution offered by Mr. Dittemore.

Messrs. Pierce of Porter, and Stewart of Rush, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Chapman, Chittenden, Cory, Dittemore, Fairchild, Field of Lake, Field of La-grange, Furnas, Gilham, Greene, Hall, Hamilton, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Millekan, Miller, Pierce of Porter, Ruddell, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Wilson and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Admire, Bates, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Davidson, Davis, Dunn, Fuller, Gordon, Higbee, Johnson of Montgomery, Long, Mason, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mitchell, Mock, Monroe, Mont-

gomery, Odell, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Skidmore, Sleeth, Smith, Stephenson, Sunman, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Zenor—44.

So the amendment was not agreed to.

Mr. Ratliff moved to strike out section 24 and insert in lieu thereof, the following:

SEC. —. To pay the salaries of the Superintendent, Steward, and Matron of the Soldiers' and Seamen's Home, as said salaries, are fixed by the 4th section of the act establishing said Home, the sum of \$2,600 is appropriated for the years 1869 and 1870, the said salaries to be paid quarterly, on the warrants of the Auditor of State.

SEC. —. That there shall be paid out of the State Treasury, to the Steward of the Soldiers' and Seamen's Home, for the current expenses of said Institution in addition to the amount allowed by the thirteenth section of the act to establish said Institution, the further sum of one dollar per week for each and every inmate and person connected with said house, the same to be drawn in the manner prescribed in said thirteenth section of said act, and to meet the allowance hereby provided for, a sufficient sum of money is hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated.

The question being on the adoption of the amendment offered by Mr. Ratliff.

Mr. Monroe moved to lay the amendment on the table.

Messrs. Ratliff and Breckinridge demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Bates, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cunningham, Davis, Dunn, Field of Lake, Field of Lagrange, Furnas, Higbee, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Mason, McBride, McFadin, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Overmyer, Palmer,

Sabin, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Taber, Wile, Williams of Knox, Williams of Union, Wilson and Zenor—51.

Those who voted in the negative were,

Messrs. Baker, Beatty, Bowen, Chapman, Cory, Davidson, Dittmore, Fairchild, Gordon, Greene, Hall, Higgins, Hutson, Hyatt, Lamborn, Long, Millekan, Pierce of Porter, Ratliff, Ruddell, Stewart of Rush, Underwood, Vater and Williams of St. Joseph—24.

So the motion to lay on the table prevailed.

Mr. Pierce of Porter, moved to amend — section by adding for repairs for the year ending March 31st, 1871, \$4,000.

For building fund for the year ending March 31st, 1871, (finishing new building,) \$12,500.

Which was agreed to.

Mr. Williams, of Knox, moved to strike out section 17, which appropriates \$3,000 for miscellaneous purposes for the years 1869 and 1870.

Mr. Overmyer moved to lay the amendment on the table.

Messrs. Williams of Knox and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Mason, Millekan, Miller, Monroe, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Tabor, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph and Wilson—44.

Those who voted in the negative were,

Messrs. Addison, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Davidson, Dunn, Fairchild, Field of

Lake, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Welborn, Wile, Williams of Knox, Zenor and Zollars—39.

So the amendment was laid on the table.

Mr. Johnson, of Parke, moved to amend by adding the following:

SECTION —. For the completion of the Normal School Building at Terre Haute, or so much thereof as may be required for the purpose, the sum of \$80,000 be and the same is hereby appropriated.

Mr. Greene moved to amend the amendment by striking out "\$80,000," and inserting in lieu thereof "\$35,000."

Mr. Buskirk moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Greene.

Messrs. Gordon and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Barritt, Bates, Britton, Carnahan, Cave, Chapman, Cory, Davidson, Davis, Field of Lake, Fuller, Gordon, Greene, Johnson of Marshall, Jump, Lawler, Logan, Long, McBride, McDonald, McFadin, Millekan, Miller, Miles, Miner, Montgomery, Odell, Sabin, Shoemaker, Sleeth, Smith, Stewart of Rush, Williams of St. Joseph and Zollars—36.

Those who voted in the negative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Breckinridge, Buskirk, Calvert, Chittenden, Coffroth, Cunningham, Dittmore, Dunn, Fairchild, Field of Lagrange, Furnas, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lamborn, Mason, Mitchell, Mock, Monroe, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of

Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Mr. Speaker—53.

So the amendment was not agreed to.

The question then recurring on the amendment offered by Mr. Johnson of Parke.

Messrs. Ratliff and Furnas demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Buskirk, Calvert, Chittenden, Coffroth, Davis, Dittemore, Dunn, Fairehild, Field of Lagrange, Furnas, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Lamborn, Mason, Monroe, Neff, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Stephenson, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Knox, Williams of St. Joseph, Wilson and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Cory, Davidson, Field of Lake, Fuller, Gordon, Greene, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Odell, Osborn, Sabin, Shoemaker, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Wile, Wildman, Williams of Hamilton, Zenor and Zollars—47.

So the amendment was not agreed to,

Mr. Wildman moved to appropriate \$50,000 for the completion of the Normal School Building.

Mr. Coffroth moved to amend by adding the following :

“Sec. —. That there shall be appropriated the sum of \$79,000, for the completion of the State Normal School at Terre Haute: *Provided*, That the amount of money borrowed heretofore by the Trustees, and the amounts due mechanics, shall be first paid out of this appropriation.”

Mr. Buskirk moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment to the amendment, as offered by Mr. Coffroth.

Messrs. Williams of Hamilton and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Coffroth, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Furnas, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Lamborn, Long, Mason, Monroe, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Skidmore, Stephenson, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams St. Joseph, Wilson and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Cory, Davidson, Field of Lake, Fuller, Gordon, Greene, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Lawler, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Montgomery, Odell, Sabin, Shoemaker, Sleeth, Smith, Stewart of Rush, Sunman, Wile, Williams of Union Zenor and Zollars—43.

So the amendment to the amendment was agreed to.

The question recurring on the amendment offered by Mr. Wildman as amended,

Messrs. McFadin and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Buskirk, Calvert, Chittenden, Coffroth, Davis, Dittemore, Dunn, Fairchild,

Field of Lagrange, Furnas, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Lamborn, Long, Mason, Monroe, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Stephenson, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Bates, Bobo, Britton, Carnahan, Cave, Chapman, Cory, Cunningham, Davidson, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Lawler, Logan, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Montgomery, Odell, Shoemaker, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Wile, Williams of Union and Zenor—39.

So the amendment as amended was agreed to.

Mr. Buskirk moved that the bill be considered as engrossed and read a third time now.

House bill No. 309. A bill making general appropriations for the years 1869 and 1870.

Was read a third time.

Mr. Buskirk moved a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Buskirk, Calvert, Carnahan, Cave, Chittenden, Cory, Cunningham, Davidson, Dittmore, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stevenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of

H. J.—55.

Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—84.

On motion by Mr. Buskirk, the further call was dispensed with.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Buskirk, Calvert, Cave, Chittenden, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Mason, McFadin, Millekan, Miller, Miner, Mitchell, Monroe, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zollars and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Admire, Bobo, Carnahan, Cory, Lawler, McDonald, Miles, Mock, Montgomery, Odell, Sleeth and Zenor—12.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

On motion by Mr. McFadin, the House adjourned.

WEDNESDAY AFTERNOON, 2 O'CLOCK.

The House met.

There appearing that no quorum was present

The Speaker ordered a call of the House.

Those who answered to their names were

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Cave, Chapman, Chittenden, Coffroth, Cotton, Cunningham, Davidson, Davis, Dittmore, Dunn, Field of Lake, Fuller, Furnas, Gilham, Gordon, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—71.

On motion, the further call was dispensed with.

Mr. Sabin moved that when the House adjourn this evening, it adjourn to meet at 7 o'clock, P. M., to hear reports, &c.

Mr. Ruddell obtained leave and introduced the following resolution:

WHEREAS, The sub-committee of the House and Senate on Affairs of the State Prison South, have prepared jointly a copy of the evidence taken by said committee in their investigation of the affairs of said Prison:

AND WHEREAS, The Chairman of the Senate Committee having submitted said evidence with the report to the Senate, was refused the privilege of furnishing the same to the Chairman of the House Committee: Therefore,

Resolved, That the Senate be requested to furnish this House with a copy of said evidence.

Which was agreed to.

Mr. Coffroth stated as he had not now an occasion to go home, the leave of absence obtained this morning would not be taken.

Mr. Osborn called up Senate bill No. 123, having previously been read a third time.

Engrossed Senate bill No. 123. A bill to amend the 17th section of the act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852,

Having been read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barnett, Barritt, Beeler, Britton, Calvert, Chapman, Chittenden, Coffroth, Cotton, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Mason, McBride, Millekan, Miller, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Skidmore, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Welborn, Wile, Wildman, Williams of St. Joseph, Williams of Union and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Admire, Baker, Bates, Beatty, Bobo, Bowen, Carnahan, Cave, Cunningham, Furnas, Hall, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Lamborn, Logan, Long, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Smith, Sunman, Tebbs, Underwood, Vater, Williams of Hamilton, Williams of Knox and Zenor—37.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed House bill No. 111. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms, in criminal actions, in the courts of this State."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Cunningham, Hutchings, Osborn, Pierce of Porter, Ratliff and Wilson—6.

Those who voted in the negative were,

Messrs. Admire, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Davidson, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millikin, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Vigo, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—86.

So the bill did not pass for want of a constitutional majority.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate concurrent resolution, entitled "A resolution to furnish certain employees of the General Assembly a Copy of the Adjutant General's Reports," as follows:

"Amend by saying, an equal number of the reports to be distributed to each county, through the members of the General Assembly."

Mr. Underwood moved to take up House bill No. 278.

Which was not agreed to.

Mr. Williams, of Knox, offered the following resolution :

Resolved, That we now proceed to call the roll of members, and, when the name is called, he shall have the right to call up any bill now on file, or he may introduce a new bill or joint resolution, concurrent resolution, or resolution, as he may see cause.

Which was agreed to.

House bill No. 24. . A bill to regulate the standing of the medical profession, declaring who may practice medicine, and providing penalties for its violation.

Was read a second time with amendments.

The question being on the adoption of the amendments,

Mr. Ruddell moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

The question recurring on the adoption of the amendment,

It was agreed to.

On motion the amendment was ordered engrossed.

Mr. Dittmore moved to reconsider the vote by which the resolution of Mr. Williams of Knox was adopted.

Which was not agreed to.

Mr. Buskirk moved that the regular order of business be suspended in order to allow a report from the Committee on Claims.

Which was agreed to.

Mr. Sabin, from the Committee on Claims, to whom was referred the claim of Daniel Keeley and others, for \$3,236.00 for pay as Drum Corps for the Eleventh Regiment Indiana Volunteers, at the beginning of the late war, have had the same under consideration, and have instructed me to report the same back, and recommend that it be not allowed.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, again considered the claim of Daniel Keeley and others, for services performed as drummers during the war, and as the claims are unsupported by the proper testimony, they have instructed me to report against their allowance.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of A. H. Comer, State Printer, for \$7,455.13, for extra work done on Adjutant General's Reports, Composition, Press Work and Paper, have had the same under consideration and instructed me to report the same back and recommend its allowance, and that it be referred to the Committee on Ways and Means, and placed in the Specific Appropriation Bill.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of Jonathan S. Harvey, late Treasurer of State, for \$3,183.00 for special and extra services performed while Treasurer of State, to-wit:

For making two trips to Washington City, to procure the adjustment of claims of the State of Indiana against the United States, for money expended in raising and equipping volunteers in Indiana.

For going to New York to raise money to pay for \$10,000, rifles purchased by Governor Morton.

For receiving and disbursing, while Treasurer of State, \$136,771.58, on account of the Arsenal at Indianapolis.

For going to New York City to procure coin to pay interest on the State Debt.

For going to New York City to settle the accounts of the State with Messrs. Winslow, Lanier & Co.

And for money actually paid out for Clerk hire in the State Treasurer's office, while performing the above services.

Have had the same under consideration, and have instructed us to report the same back, and recommend that an allowance of \$2,000 be made to Mr. Harvey, to cover all of said services, and that the same be placed in the Specific Appropriation Bill.

Which report was concurred in, and referred to the Committee on Ways and Means.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of James A. Buckhanan, for \$187.51, for discount on certificates of pay issued by the Trustees of Deaf and Dumb Asylum, have had the same under consideration, and have instructed me to report the same back, and recommend that the same be not allowed.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, presented the following claims, which were referred to the Committee on Ways and Means, in order that the same may be placed in the Specific Appropriation Bill:

Daily Telegraph Co., for papers furnished House	\$840 48
Adolph Frey—same	185 40
Douglass & Conner—same	1,319 43
R. J. Bright—same	1,319 43
Harding, Morton & Finch—same	1,017 64
M. G. Lee, for Commercial Co.—same	1,017 64

Mr. Sabin presented the claim of P. and E. P. Gallup, for the sum of \$249.

Which was referred to the Committee on Ways and Means.

Mr. Ruddell offered a claim of Josiah Reeder, John W. Sullivan, and others, for witness fees and mileage, for appearing and testifying as witnesses before the Committee on Prisons.

Which was referred to the Committee on Ways and Means.

Mr. Ruddell offered the following resolution:

Resolved, That each member of the Committee on Prisons be allowed \$3 00 for every twenty-five miles necessarily traveled in

visiting the two Prisons of this State, and that the Auditor shall draw his warrant on the Treasurer of State for the several amounts, upon the certificate of the Speaker of this House that the same are correct.

Mr. Green moved to lay the resolution on the table.

Messrs. Ruddell and Williams of Union, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Britton, Carnahan, Cave, Cotton, Cunningham, Furnas, Greene, Johnson of Montgomery, Long, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Overmyer, Palmer, Sunman, Williams of St. Joseph, Zenor and Zollars—24.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Chapman, Chittenden, Cory, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of LAGRANGE, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, McBride, Millekan, Miller, Minor, Monroe, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union and Mr. Speaker—58.

So the motion to lay on the table did not prevail.

The question being on the adoption of the resolution.

Mr. Zollars moved to refer the resolution to the Committee on Claims.

Which was agreed to.

Mr. Cunningham offered the following amendment:

Strike out "\$3 00 for every twenty-five miles," and insert "their necessary expenses."

Which was agreed to.

The question being on the motion as amended.

It was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate bill No. 83, entitled "A bill to amend Section 2 of an act entitled an act making the register of sales of Michigan Road lands, and certified copies of entries therein, evidence; and declaring the effect thereof, and making the records and patents, and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof," approved March 9, 1859.

Also, Engrossed Senate bill, No. 84, entitled, "A bill to repeal Section 31 of an act entitled an act concerning real property, and the alienation thereof," approved May 6, 1852.

Also, Engrossed Senate bill No. 90, entitled "A bill to amend the 34th subdivision of Section 53 of an act entitled an act to repeal all general laws now in force for the incorporation of cities."

Also, Engrossed Senate bill No. 131, entitled "A bill to legalize and declare valid and effectual all the orders, judgments, and proceedings made, rendered and had, and held by and before the Court of Common Pleas of White county in this State, beginning and held at the Court House in the town of Monticello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency.

In which the House is requested to concur.

Engrossed Senate bill No. 90, "A bill to amend the 34th subdivision of Section 53 of an act entitled an act to repeal all general laws now in force for the incorporation of cities."

Which was read a first time.

Mr. Wile moved to suspend the constitutional rule, so as to read the bill a second and third time now.

The ayes and noes were taken, under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cunningham, Davidson, Dittemore, Dunn, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Hall, Hamilton, Hutson, Hyatt, Johnson of Montgomery, Jump, Lawler, Lamborn, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—75.

Mr. Furnas voting in the negative.

So it was deemed expedient to suspend the constitutional rule, requiring a bill to be read on three several days, and the bill was read a second and third time now.

Senate bill no 90 was read a second time by title, and a third time by sections.

Mr. Osborn, by unanimous consent, offered the following amendment:

Section —. That all streets or parts of streets, in any incorporated city, which have been fenced up and not used as streets for twelve years, are vacated as streets, and revert to the owners of land on each side of the platted street, as now by law provided in case of vacating public highways.

Which was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Higbee, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan,

Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Zenor—74.

Those who voted in the negative were,

Messrs. Cave, Hamilton, Hyatt, Odell, Skidmore and Sleeth—7.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Pierce of Porter moved to amend, by adding thereto as follows:

“And vacating certain streets and parts of streets in cities.”

The question being on the amendment.

It was agreed to.

The question being, on the adoption of the title, as amended.

It was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Ruddell presented three several claims against the Southern Prison, in favor of Hall, Semple & Co., and two claims in favor of Hall, Moore & Burkhardt.

Which were referred to the Committee on Claims.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate bill No. 270 entitled, “A bill to provide for payment of certain claims for ditching swamp lands, out of the general swamp land fund.” Also,

Senate bill No. 279 entitled, “A bill to reorganize the Ninth

Judicial Circuit, providing for the times of holding Courts therein, repealing all laws in conflict therewith, and declaring an emergency." In which the House is requested to concur.

Senate bill No. 279. A bill to reorganize the Ninth Judicial Circuit, providing for the times of holding Courts therein, repealing all laws in conflict therewith, and declaring an emergency.

Was read a first time.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed engrossed House bill No. 251 entitled, "A bill legalizing the assessment of taxes for State Debt Sinking Fund purposes, for the years 1867 and 1868, and declaring what amount shall be assessed and collected, for the same purpose, for the years 1869 and 1870, and making certain provisions as to the application of said tax." Also,

Engrossed House bill No. 273 entitled, "An act to raise revenue, for State purposes, for the years 1869 and 1870, and for subsequent years." Which are herewith returned to the House.

House bill No. 214. A bill supplemental to an act entitled, an act supplemental to an act, approved March 5, 1859, entitled, an act authorizing the purchasers of railroads, plank roads, turnpike roads and Macadamized roads, or parts thereof, under mortgage sale or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct corporations by such purchasers, approved February 1, 1867.

Was read a second time.

Mr. Odell moved to suspend the constitutional rule, requiring bills to be read on three several days, for the purpose of having the bill read a third time now.

The ayes and noes were taken, under the rule.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cunningham, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Gordon, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Welborn, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Wilson and Zenor—76.

No member voting in the negative.

So it was deemed expedient to suspend the constitution rule for the purpose of reading the bill a third time now.

Mr. Odell moved that the bill be considered engrossed for a third reading now.

Which was agreed to.

Senate bill No. 279. A bill to reorganize the Ninth Judicial Circuit, providing for the times of holding courts therein, repealing all laws in conflict therewith, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith,

Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood' Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—75.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House Joint Resolution No. 8. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law removing all disabilities under existing laws because of volunteers who left the service of their command after the 15th of April, 1865.

Was read a second time.

Mr. Miles moved to suspend the constitutional rule requiring bills to be read on three several days, for the purpose of reading the bill a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Carnahan, Chapman, Cofroth, Cotton, Davis, Dunn, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, McDonald, McGregor, Millekan, Miller, Miles, Monroe, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stewart of Ohio, Sunman, Taber, Underwood, Welborn, Williams of St. Joseph, Wilson, Zenor and Zollars—60.

Those who voted in the negative were,

Messrs. Chittenden, Cunningham, Davidson, Fairchild, Miner, Vater, Williams of Hamilton and Williams of Union—8.

So it was deemed expedient to suspend the constitutional rule for the purpose of reading the joint resolution a third time now.

Mr. Miles moved that House Joint Resolution be considered engrossed and read a third time by sections.

Which was agreed to.

House Joint Resolution No. 8, was then read a third time.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Corey, Cotton, Cunningham, Davidson, Davis, Dittemore, Dunn, Fairchild, Field of Lake, Field of LAGRANGE, Fuller, Furnas, Gilham, Gordan, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kereheval, Lawler, Lamborn, Logan, Long, McBride, McFadin, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—82.

Noes member voting in the negative.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the joint resolution?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the joint resolution.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills, to-wit:

Engrossed House bill No. 60. Entitled "A bill for the incorporation and continuance of Life Insurance Companies, authorizing them to re-issue their risks, exempting certain policies of life insurance from attachment by creditors, making all policies non-forfeitable after two full annual payments, repealing all laws and parts of laws inconsistent therewith, and declaring an emergency."

Also, engrossed House bill No. 165. Entitled "A bill providing for a geological survey of the State, and for the collection and preservation of a geological and mineralogical cabinet, and creating the office of State Geologist."

Which are herewith returned to the House.

Mr. Zollars, by consent, introduced

House bill No. 310. A bill touching vacancies in county and township offices and filling the same by appointment, repealing all laws in conflict with the provisions of this act, and declaring an emergency."

Was read a third time.

Mr. Zollars moved that the constitutional rule be suspended, requiring bills to be read on three several days, for the purpose of reading the bill a second and third times now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cunningham, Davidson, Dittmore, Dunn, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Logan, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Miner, Monroe, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Ratliff, Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Union, Wilson and Mr. Speaker—67.

Mr. McDonald voting in the negative.

H. J.—56.

So it was deemed expedient to suspend the constitutional rule for the purpose of reading the bill a second and third times now.

House bill No. 310 was then read a second time.

Mr. Wildman offered the following amendment:

“Excepting Township Trustees to be appointed by County Auditor, when Commissioners are not in session.”

Which was agreed to.

Mr. Zollars moved to consider the bill engrossed for a third reading now.

Which was agreed to.

House bill No. 310 was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beeler, Bobo, Bowen, Britton, Buskirk, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cotton, Cunningham, Davidson, Dittemore, Fairechild, Field of Lake, Field of Lagrange, Gilham, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan. Long, McBride, McDonald, McFadin, McGregor, Millekan, Miles, Miller, Miner, Monroe, Montgomery, Odell, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Williams, of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Dunn, Gordon, Neff and Smith—4.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Buskirk from the Committee on Ways and Means introduced

House bill No. 311. A bill making specific appropriations for the year 1869.

Which was read a first time.

Mr. Buskirk moved that it be made a special order for to-morrow at nine o'clock.

Mr. Underwood from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared House bill No. 309, with the original bill, and find it in all respects correctly engrossed.

The Speaker laid before the House the following communication:

INDIANAPOLIS, March 3d, 1869.

Gentlemen of the House of Representatives:

Arrangements have been made to hold an Inauguration Prayer Meeting at Masonic Hall, (this city,) March 4, from 12 M. to 1 P. M. Object: To invoke the blessing of God upon our incoming President, and our Country. It is appropriate that we should assemble thus at the very moment our incoming President assumes his responsibilities. Every member of the House of Representatives is hereby invited to be present.

(Signed.)

JNO. B. BRANDT.

Message from the Governor, by Mr. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, March 1, 1869. }

MR. SPEAKER:

I am directed by the Governor to transmit to the General As-

sembly, his Message, accompanied by a certified copy of a Joint Resolution of the Congress of the United States, proposing an amendment to the Constitution of the United States.

JOHN M. COMMONS,

Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, March 1, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith, respectfully transmit to the General Assembly a Joint Resolution of the Congress of the United States, on the subject of suffrage, comprising two sections, and designated as article XV.

The original copy of said Joint Resolution received by me, is transmitted with this communication to the House of Representatives, and a transcript thereof to the Senate.

(Signed.)

CONRAD BAKER.

Mr. Buskirk moved to take the Governor's Message from the table, and that the same be made the special order for two o'clock to-morrow.

Mr. Coffroth moved to adjourn.

Messrs. Coffroth, Palmer, Odell, McBride, McFadin, Shoaff, Sleeth, Sunman, Welborn and Williams of Knox, demanded the yeas and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Bobo, Carnahan, Cave, Coffroth, Cory, Cotton, Cunningham, Dittimore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mitchell, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Zenor and Zollars—39.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of

Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—54.

So the motion to adjourn did not prevail.

Mr. Williams of Knox, moved to amend the motion of Mr. Buskirk, by saying Saturday at two o'clock.

Mr. Buskirk moved the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion of Mr. Williams of Knox.

Messrs. Coffroth and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bobo, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Vater, Welborn, Wile, Williams of Knox, Zenor and Zollars—41.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Wildman,

Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—53.

So the motion did not prevail.

The question recurring on the motion of Mr. Buskirk.

It was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President has signed enrolled act No. 123, of the Senate. Entitled an act to amend the 17th section of the act entitled an act providing for the organization of County Boards, and prescribing some of their powers and duties. Approved June 17th, 1852.

Which is herewith transmitted for the signature of the Speaker.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 5, entitled "A bill to amend the 1st section of an act to declare abandoned certain unfinished railroads, and to prescribe for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual settlements," approved March 11, 1867, and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled an act to provide organization of railroad companies, approved May 4, 1852, shall not invalidate such organization if otherwise in conformity with the same.

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following bills thereof, to-wit :

Engrossed Senate bill No. 234, entitled "A bill to legalize and declare valid the acknowledgments of certain deeds of conveyance and other instruments in writing, which have been recorded in any of the Recorders' offices of the several counties of this State, and which by reason of certain informalities in the certificates of acknowledgment, or the authentication thereof, were not entitled to record."

Also, engrossed Senate bill No. 161, entitled "A bill to provide for the organization of Savings Banks and the safe and proper management of their affairs."

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 110, entitled "A bill to create the 25th Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the courts in said circuit, and providing for a transfer of actions thereto."

In which the House is respectfully requested to concur.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 290, entitled "A bill creating the 26th Judicial Circuit and fixing the times of holding courts therein, and fixing the times of holding the Courts in the Fourth Judicial Circuit."

Also, Senate bill No. 292, entitled "A bill to transfer the county of Brown from the 1st to the 2d Judicial Circuit, to provide for the time of holding courts therein, and to repeal all laws in conflict with this act, and declaring an emergency."

In which the House is requested to concur.

Message from the Senate by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 50, entitled "An act providing for the collection of forfeited recognizances."

Also, Senate bill No. 64, entitled "An act authorizing voluntary associations formed under an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places."

Also, Senate bill No. 211, entitled "A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the Courts therein."

Also, Senate bill No. 217, entitled "An act regulating the fees of county officers, and declaring an emergency."

Also, Senate bill No. 223, entitled "A bill appropriating the sum of fifteen thousand dollars for the completion of the building now occupied by the Officers of State and the Supreme Court, and belonging to the State, and for paving the sidewalks fronting and around the same."

Also, Senate bill No. 238, entitled "A bill to amend section 200 of chapter one of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and declaring an emergency."

Also, Senate bill No. 239, entitled "An act authorizing the classification of the Board of Directors of Railroad Companies."

Also, Senate bill No. 255, entitled "A bill to save pending suits affected by passage of act of 1865, to repeal sections 43 and 44 of of Will law of 1852."

To all of which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed the following bills thereof, to-wit:

Senate bill No. 286 entitled, "A bill supplementary to an act entitled, an act to incorporate the Franklin Insurance Company, approved February 13, 1851, authorizing said Company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law." Also,

Engrossed Senate bill No. 89 entitled, "A bill to amend an act entitled, an act to enable the owners of wet lands to drain and reclaim them, where the same cannot be done without affecting the lands of others; prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent herewith, approved March 11, 1867, by amending sections 3, 4, 5, 6, 9 and 11, and adding section 16, to provide for entering satisfaction of liens under said act." In which the House is requested to concur.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your committee, to whom was referred Enrolled House bill No. 251, have compared the same with the original, and find the same correctly engrossed.

Mr. Mitchell, from the Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your committee, to whom was referred Enrolled House bill No. 273, have compared the same with the original, and find the same correctly enrolled.

Mr. Monroe moved to adjourn.

Which was agreed to.

THURSDAY MORNING, 9 O'CLOCK, }
 March 4, 1869. }

The House met.

On motion by Mr. Ratliff, the House adjourned.

THURSDAY, 2 O'CLOCK P. M.

The House met.

On motion by Mr. Buskirk, a call of the House was had.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beatty, Britton, Breckinridge, Buskirk, Chittenden, Coffroth, Davidson, Davis, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—58.

No quorum answering to their names.

On motion by Mr. Buskirk, the House took a recess until 5 o'clock this evening, and the Doorkeeper was ordered to send for absentees.

The Speaker announced that he had signed engrossed House acts Nos. 60 and 160.

THURSDAY EVENING, 5 O'CLOCK P. M.

The House met.

On motion by Mr. Wildman, the House adjourned.

FRIDAY MORNING, 9 O'CLOCK, }
 March 5, 1869. }

The House met.

Mr. Stewart of Rush, moved that the House do now adjourn.

At this point Mr. Coffroth raised the following point of order :

That all motions except to dispense with the reading of the Journal, or a call of the House, are out of order, until the Journal is either read, or the reading thereof dispensed with.

Which point was overruled by the Speaker.

The question then on the adjournment was put and carried in the affirmative.

FRIDAY AFTERNOON, 2 O'CLOCK, P. M.

The House met.

Mr. Overmyer, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills have examined and compared enrolled acts Nos. 165 and 60, and find them correctly enrolled.

Mr. Wildman moved that the House do now adjourn.

Messrs. Coffroth, Wile, Palmer, Logan and Admire demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Bowen, Davidson, Davis, Dunn, Field of Lagrange, Gilham, Hall, Higbee, Hutson, Jump, Mason, Miller,

Ratliff, Ruddell, Sabin, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Admire, Coffroth, Logan, Palmer and Wile—5.

Mr. Dunn, in explanation of his vote on adjournment, said :

MR. SPEAKER :

Through the action of the Democratic minority on the floor, further legislative enactment is rendered impossible, I am willing to remain here and perform my duties, as a legislator until the last hour of the sixty-first day. The minority have blocked legislation. I vote aye.

So the motion to adjourn prevailed.

SATURDAY MORNING, 9 o'clock, }
 March 6, 1869. }

The House met.

Mr. Palmer moved that when the House adjourn, it stand adjourned till 10½ o'clock Monday morning.

Which was agreed to.

Message from the Governor:

EXECUTIVE DEPARTMENT, }
 March 4, 1869. }

Gentlemen of the House of Representatives :

I beg leave to inform you that thirty-seven members of the House of Representatives this day placed in my hands their respective resignations as members of your body, and have therefore ceased to be members of the present General Assembly. I will communicate to you to-morrow morning the names of the resigning members. Writs of election are being prepared ordering elections to be held on the 23d day of the present month to fill the vacancies.

[Signed,]

CONRAD BAKER.

Which was laid on the table.

On motion by Mr. Chittenden, the House adjourned.

MONDAY MORNING, 10½ o'clock, }
 March 8, 1869. }

The House met.

Message from the Governor, by Mr. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT }
 March 6, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has signed enrolled act of House, No. 251, entitled an act legalizing the assessment of taxes for State Debt Sinking Fund purposes, for the years 1867 and 1868, and declaring what amount shall be assessed and collected for that purpose, for the years 1869 and 1870, and making certain provisions as to the application of said tax.

Also, Enrolled Act of the House, No. 273. Entitled an act to raise revenue for State purposes, for the years 1869 and 1870, and for subsequent years.

Also, enrolled act of the House No. 165, entitled "An act providing for a geological survey and for the collection and preservation of a Geological and Mineralogical Cabinet of the Natural History of this State, and creating the office of State Geologist, defining his duties, fixing his salary, and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and for the collection and preservation of said Cabinet."

And that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
 Private Secretary.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

By order of the Senate, I am directed to announce to the House

that the Senate has, by reason of constitutional limitation, this day adjourned *sine die*.

O. M. WILSON,
Secretary of Senate.

Mr. Coffroth offered the following resolution :

Resolved, That Wm. M. Merwin, Principal Clerk, John O. Hardesty, Assistant Clerk, H. H. Robinson, the Reading Clerk, Robert O. Dormer, the Minute Clerk, and all their employees, have, in the judgment of this House, faithfully, capably and honestly discharged their respective duties, for which they have the thanks of this House.

Resolved, That T. C. McCann, Doorkeeper, N. W. Fitzgerald, Assistant Doorkeeper, and all their employees, having faithfully and impartially discharged their respective duties, have merited the confidence and thanks of this House.

Which was agreed to.

Mr. Ratliff offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker to wait upon His Excellency, the Governor, and inquire if he has anything to communicate to this House.

Which was agreed to.

Whereupon, the Speaker announced the following committee :

Messrs. Ratliff, Coffroth and Buskirk.

Mr. Coffroth offered the following resolution :

Resolved, That the Hon. A. P. Stanton deserves the warmest thanks of this House, and they are hereby tendered to him, for the very able and impartial manner in which he has discharged his duties as Speaker.

Which, on motion, was adopted.

Mr. Ratliff, from the Committee to wait on the Governor, made the following report :

MR. SPEAKER:

Your committee to wait upon His Excellency, the Governor, and

inquire if he has any further business for them, have discharged that duty and are informed that he has no further communication to offer.

Which report was concurred in.

Mr. Osborn moved that the House do now adjourn *sine die*.

Whereupon, the Speaker made the following remarks:

GENTLEMEN:

The final adjournment of the present term of this General Assembly approaches. Before we separate permit me to return to you, one and all, my heartfelt and sincere thanks for the kindness, courtesy and good feeling with which you have sustained me in the discharge of my important and delicate official duties. That I have made errors is true, but I believe that you will justify me in the reflection that I have endeavored to discharge my duties faithfully and impartially. That there has almost invariably been the kindest of feeling, and, until recently, hearty co-operation in forwarding the work of legislation, is a fact attributable alone to the good intentions and the faithful purpose of those who compose this General Assembly. Memory will long treasure valued recollections of the pleasant associations of this term. One regret I have in common with you all, that many of those who labored faithfully and cheerfully with us until near the close, are not with us to-day. Their withdrawal has prevented the consummation of much needed legislation, which, well matured, would speedily have been accomplished. In taking the step they did, I doubt not the majority, if not all of them, acted as they believed in the strict line of their duty, and however much we may and do differ with them as to the wisdom and propriety of their course, still extending to them the same prerogative which we claim for ourselves, namely, that of doing what we think is right, let us not judge harshly of the motives which influenced their action. If wrong, as we think, time will soon show to them the error of their course.

And now, gentlemen, you leave this Hall for dearer associations. The kind greeting of friends at home, the loving welcome of affectionate wives, the caresses of the dear little ones that ever anxiously wait the father's expected return, will soon make your hearts glad. May these holy associations make you happy, and preserve and

guard the purity of your lives. Wishing you each and every one a safe and speedy return to your respective homes, I pronounce this Assembly adjourned *sine die*.

JOHN O. HARDESTY,
Assistant Clerk.

Received, Indianapolis, Ind., March 18th, 1869, of William H. Merwin, Principal Clerk of the House of Representatives, the books, bills and papers of the Regular Session of 1869, for file in the State Library.

B. F. FOSTER,
State Librarian.

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105Introduced by Mr. Case.
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83Introduced by Mr. Church.
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8Introduced by Mr. Armstrong.
292Introduced by Mr. Denbo.
290Introduced by Mr. Robinson, of Decatur.
286Introduced by Mr. Henderson.
255Introduced by Mr. Lasselle.
239Introduced by Mr. Bird.
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13Introduced by Mr. Hughes.
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89Introduced by Mr. Pierce, of Porter.
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119Introduced by Mr. Hutchings.
120Introduced by Mr. Breckenridge.
121Introduced by Mr. Palmer.
122Introduced by Mr. Pierce, of Porter.
125Introduced by Mr. Dunn.
128Introduced by Mr. Bowen.
131Introduced by Mr. Stewart, of Rush.
136Introduced by Mr. Shoemaker.
142Introduced by Mr. Kercheval.
144Introduced by Mr. Admire.
144Introduced by Mr. Breckenridge.
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149Introduced by Mr. Beeler.
152Introduced by Mr. Shoemaker.
153Introduced by Mr. Wile.
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157Introduced by Mr. Riddell.
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163Introduced by Mr. Jump.
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168Introduced by Mr. Logan.
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171Introduced by Mr. Steeth.
172Introduced by Mr. Cory.
175Introduced by Mr. McDonald.
176Introduced by Mr. Stewart, of Rush.
180Introduced by Mr. Beeler.
181Introduced by Mr. Britton.
183Introduced by Mr. Buskirk.
186Introduced by Mr. Coffroth.
190Introduced by Mr. Davis.
192Introduced by Mr. Fairchild.
194Introduced by Mr. Furnas.
195Introduced by Mr. Gordon.
196Introduced by Mr. Green.
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198Introduced by Mr. Hutson.
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212Introduced by Mr. Ratliff.
213Introduced by Mr. Shoemaker.
215Introduced by Mr. Stephenson.
216	.....Introduced by Mr. Stewart, of Rush.
217	.....Introduced by Mr. Underwood.
219	.....Introduced by Mr. Vater.
220	.....Introduced by Mr. Welborn.
221	.....Introduced by Mr. Wildman.
222	.....Introduced by Mr. ———.
224	.....Introduced by Mr. Zenor.
226	.....Introduced by Mr. Beeler.
227	.....Introduced by Mr. Davis.
228	.....Introduced by Mr. Baker.
229	.....Introduced by Mr. Breckenridge.
231	.....Introduced by Mr. Coffroth.
232	.....Introduced by Mr. Dittmore.
233	.....Introduced by Mr. Dunn.
234	.....Introduced by Mr. Johnson, of Parke.
238	.....Introduced by Mr. Cory.
239	.....Introduced by Mr. Mock.
240	.....Introduced by Mr. Osborne.
241	.....Introduced by Mr. Palmer.
242	.....Introduced by Mr. Pierce, of Porter.
243	.....Introduced by Mr. Shoemaker.
245	.....Introduced by Mr. Vater.
246	.....Introduced by Mr. Welborn.
247	.....Introduced by Mr. Williams, of Hamilton.
250	.....Introduced by Mr. Beeler.
252	.....Introduced by Mr. Cotton.
253	.....Introduced by Mr. Cunningham.
254	.....Introduced by Mr. Davis.
255	.....Introduced by Mr. Dittmore.
256	.....Introduced by Mr. Dunn.
257	.....Introduced by Committee on Elections.
258	.....Introduced by Mr. Palmer.
259	.....Introduced by Mr. Fairchild.
261	.....Introduced by Mr. Furnas.
262	.....Introduced by Mr. Green.
264	.....Introduced by Mr. Lamborn.
266	.....Introduced by Mr. McDonald.
267	.....Introduced by Mr. Mitchell.
268	.....Introduced by Mr. Neff.
269	.....Introduced by Mr. Osborne.
270	.....Introduced by Special Committee.
272	.....Introduced by Mr. Osborne.
274	.....Introduced by Mr. Ruddell.
275	.....Introduced by Mr. Shoemaker.
276	.....Introduced by Mr. Sleeth.
277	.....Introduced by Mr. Smith.
278	.....Introduced by Mr. Underwood.
279	.....Introduced by Mr. Vardeman.
280	.....Introduced by Mr. Welborn.
281	.....Introduced by Mr. Williams, of Hamilton.
282	.....Introduced by Mr. Williams, of Knox.
283	.....Introduced by Mr. Ruddell.
284	.....Introduced by Mr. Zollars.
285	.....Introduced by Mr. Baker.
286	.....Introduced by Mr. Beeler.
287	.....Introduced by Mr. Calvert.
288	.....Introduced by Mr. Chapman.
289	.....Introduced by Mr. Cory.
290Introduced by Mr. Cunningham.
291Introduced by Mr. Davidson.
292Introduced by Mr. Dunn.
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295Introduced by Mr. Field, of Lagrange.
296Introduced by Mr. Furnas.
297Introduced by Mr. Higbee.
298	.....Introduced by Mr. Hutson.
299	.....Introduced by Mr. Hyatt.
300	.....Introduced by Mr. Johnson, of Marshall.
301	.....Introduced by Committee on Prisons.
302	.....Introduced by Mr. McDonald.
303Introduced by Mr. McGregor.
304Introduced by Mr. Miles.
305Introduced by Mr. Miner.

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306Introduced by Mr. Monroe.
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1Introduced by Mr. Long.
2Introduced by Mr. Miles.
3Introduced by Mr. McGregor.
4	.....Introduced by Mr. Beeler.
5Introduced by Mr. Barritt.
10Introduced by Mr. Bobo.
11Introduced by Mr. Stewart, of Rmsh.

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9Introduced by Mr. Bobo.
17Introduced by Mr. Vater.
22Introduced by Mr. Buskirk.
24Introduced by Mr. Overmyer.
29Introduced by Mr. Barritt.
31Introduced by Mr. Wilson.
35Introduced by Mr. Underwood.
43Introduced by Mr. Odell.
51Introduced by Mr. Cunningham.
52Introduced by Mr. Milikan.
53Introduced by Mr. Fuller.
57Introduced by Mr. Dunn.
74Introduced by Mr. Overmyer.
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95Introduced by Mr. Welborn.
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109Introduced by Mr. Wildman.
130Introduced by Mr. Pierce, of Vigo.
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200Introduced by Mr. Johnson, of Parke.

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4Introduced by Mr. Ruddell.
15Introduced by Mr. Wildman.
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118Introduced by Mr. Stewart, of Ohio.
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156Introduced by Mr. Neff.
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204Introduced by Mr. Mason.
207Introduced by Mr. Miles.
210Introduced by Mr. Overmyer.
218Introduced by Mr. Vardeman.
223Introduced by Mr. Wilson.
230Introduced by Mr. Cave.
235Introduced by Mr. Kercheval.
236Introduced by Mr. Lamborn.
237Introduced by Mr. McDonald.
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6 |Introduced by Mr. Admire.

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27Introduced by Mr. Palmer.
47Introduced by Mr. Cave.
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87Introduced by Mr. Stewart.
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101Introduced by Mr. Colbroth.
102Introduced by Mr. Beeler.
187Introduced by Mr. Cory.
263Introduced by Mr. Kercheval.

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Of House Bills and Joint Resolutions introduced and pending in the House upon the adjournment of the Regular Session, March 8, 1869.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	By Whom INTRODUCED.
1	A BILL to fix the time of holding the Courts in the Twentieth Judicial District.....	19	74, 80, 81, 111	112	269	273, 274, 275.....	299	Coffroth.
2	A BILL fixing the time of holding Circuit Courts in the counties com- prising the Fourth Judicial Circuit, and declaring an emergency.....	19	74, 103, 104, 205.....	104	179	181, 1 6.....	219	Cory.
3	A BILL providing for the appointment of suitable persons to hold Com- mon Pleas Courts during the absence of Common Pleas Judges, for any part of any term of their said Courts, and prescribing certain duties of Clerks and Sheriffs in relation to said Common Pleas Courts.....	19	254, 330, 577.....	601				Bobo, Ruddle.
4	A BILL to enable cities to aid in the construction of railroads.....	82	119, 287, 346.....					
5	A BILL to amend the one hundred and third section of an act entitled, an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State; approved June 17, 1852.....	82	90, 257, 337, 401, 580.....	787				Zollars.
6	A BILL providing for the location, construction and use of lateral rail- roads, and for the assessment of damages occasioned by the location, construction and use of the same.....	91	153, 520.....	524				Neff.
7	A BILL to authorize foreign guardians to take possession of, sue for or re- ceive any personal property or assets of their wards in this State.....	92	163, 126.....	180				Coffroth.
8	A BILL authorizing appraisers of real estate to appoint their deputies and authorizing appraisers to remove their deputies, and fixing the compensation of such appraisers and their deputies, and repealing all laws or parts of laws in contravention of the provisions of this bill.....	92	93, 153, 179, 187, 191.....	192	249	257, 272.....	275	Long.
9	A BILL to fix the salaries of the Judges of the Common Pleas Courts of the State of Indiana, and to provide for the payment thereof out of the State Treasury.....	95	207, 300, 349, 375, 460.....					Bobo.
10	A BILL in relation to decedent's estates.....	95	124, 127, 141.....	142		582, 603, 647.....	679	Welborn.

11	A BILL to create the 21st and 22d Judicial Circuits.....	96	122, 126, 307, 328, 348, 620.....	527	Smith.
12	A BILL to amend section 5 of an act entitled "An act to provide for equalizing the apportionment of the real property of the State of Indiana," approved May 28, 1852.....	96	190, 275, 571.....	572	Katliif.
13	A BILL to prevent the importation of Texas cattle, to make drovers, traders, and other parties, liable in damages for injuries caused by violation of this act; affixing a penalty and declaring an emergency.....	96	283.....		Dunn.
14	A BILL to amend section 3 of an act regulating interest on money. 2 G. and H., p. 656.....	96	135, 142, 143, 144, 155, 209, 328.....	182	Field of Lake. Wildman.
15	A BILL regulating interest on judgment.....	97	.....		Wilson.
16	A BILL fixing the time of holding the Circuit Court in the First Judicial Circuit, repealing all laws in conflict therewith, making all writs, summonses, and process, returnable thereto, and declaring an emergency.....	97	101, 288, 368, 518, 822.....		Vater.
17	A BILL establishing and regulating a Public Printing Office, making appropriations therefor, and repealing all laws inconsistent therewith.....	97	287, 331, 348.....	639	Underwood.
18	A BILL to amend sections 2 and 4 of an act for the incorporation and continuance of Building and Loan Fund and Saving Associations, and supplemental thereto.....	97	.....		Hamilton.
19	A BILL to create a Department of Insurance, to provide suitable regulations therefor, to transfer the business of insurance from the office of Auditor of State to the Department of Insurance, and to define the duties of Insurance Companies in connection therewith.....	97	.....		Osborn.
20	A BILL repealing all laws which discriminate between races in raising revenue, and providing for common schools; and providing that common schools of the State shall be equal and free to all, and defining the duties of certain officers, and supplemental to an act entitled "An act to provide for a general system of common schools," &c.; approved March 6, 1855.....	98	255, 273.....		Gordon.
21	A BILL regulating docket fees of Prosecuting Attorneys in Circuit Courts and District Attorneys in Courts of Common Pleas and before Justices of the Peace, and fixing the salaries of District Attorneys in prosecution on forfeited recognizance.....	98	186, 276, 288, 568.....		Buskirk.
22	A BILL to amend an act authorizing the construction of plank, macadamized and gravel roads; approved May 12, 1862.....	98	186, 275, 448.....		Williams of Union. Overmyer. Stewart of Rush.
23	A BILL to amend an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto; approved June 7, 1852, and to amend an act entitled an act to provide for township elections; approved June 15, 1852, to provide for the continuance of the terms of certain officers, and to repeal all laws inconsistent therewith.....	99	378, 511, 523, 675, 733, 735, 763, 765, 734.....	766	Bowen.
24	A BILL to regulate the standing of the Medical Profession, declaring who may practice medicine, and providing penalties for its violation.....	99	342, 488, 492, 543, 870.....		
25	A BILL to repeal the Gravel Road Law, and declaring an emergency.....	99	.....	
26	A BILL to amend the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction powers and duties in civil cases; approved June 9, 1865.....	99	135.....		
27	A BILL to authorize the assessment of all lands within one and a half miles				

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro-duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved.	By WHOM INTRODUCED.
	of Macadamized and Gravel roads, and repealing former laws on the subject.....	99	.....	.....	.....	.....	.....	Palmer.
28	A BILL to amend sections 1, 2 and 5, of an act entitled "An act to create the Eighteenth Judicial Circuit of the State of Indiana, and fixing the time for holding Courts therein," approved March 1, 1867.....	99	651.....	.....	.....	.....	.....	Mason.
29	A BILL to legalize the Tax Assessments for the year 1868, in certain incorporated cities.....	100	153, 270, 273, 566.....	.....	.....	.....	.....	Barritt.
30	A BILL to amend section 9 of an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties and declaring an emergency.....	100	152, 271, 272, 298, 565.....	566	.....	.....	.....	Mitchell.
31	A BILL to amend section ninth of an act entitled "An act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties, in civil cases;" approved June 9, 1852, and repealing all laws in conflict therewith.....	100	167, 271, 275, 444.....	.....	.....	.....	.....	Wilson.
32	A BILL to provide for a specific appropriation for legislative expenses.....	115	116, 122, 123.....	123	196	.....	227	Ratliff.
33	A BILL for the relief of the widow and minor heirs of John P. Dunh, deceased.....	118	592.....	.....	.....	.....	.....	Coffroth.
34	A BILL to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats where the same have been lost or destroyed.....	118	287, 332, 367.....	637	.....	.....	.....	Johnson, of Parke.
25	A BILL fixing the fees of grand and petit jurors, and repealing all acts in conflict therewith.....	118	155, 271, 276, 567.....	699	.....	.....	.....	Underwood.
36	A BILL concerning vagrants, and proceedings against the same.....	118	208, 328, 348.....	.....	.....	.....	.....	Stewart, of Ohio.
37	A BILL to authorize Township Trustees to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts for the erection of such buildings.....	118	380, 546, 579.....	794	.....	.....	.....	Dunn.
38	A BILL declaring certain contracts made by, or with common carriers, void.....	119	154, 271, 363.....	572	.....	.....	.....	Osborn.
39	A BILL to suppress tipping houses, to regulate the sale, and barter, and giving away of spirituous and malt liquors, wine or cider, to provide penalties for the violation of this act, and to repeal all laws inconsistent therewith.....	119	.....	.....	.....	.....	.....	Bowen.
40	A BILL to enable County Commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended, or not accounted for, and declaring an emergency.....	131	311, 494, 512.....	781	.....	.....	.....	Welborn.
41	A BILL to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation							

42	of any of the provisions of said act, by officers and others, and also repealing an act to license dogs," approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15th, 1852; approved March 2d, 1865.	131	285,	.....	.....	Long.
43	A BILL to amend section twenty-first of an act entitled an act to authorize a company to construct the Aurora and Languey Turnpike; approved February 15th, 1848.	132	384, 546, 578,	838	.....	Tebbs.
44	A BILL to repeal an act entitled an act to allow County Commissioners to organize Turnpike Companies where three-fifths of the persons residing on the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and to provide for the same to be free; approved March 6th 1866.	132	384, 546,	.....	.....	Odell.
45	A BILL to amend the third section of an act entitled an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent therewith, and declaring an emergency.	132	.....	.....	.....	Stewart of Kush.
46	A BILL to amend sections one and fourteen of an act to provide for a system of common schools, etc., approved March 6th, 1865, and to provide for the education of the colored children of the State, January 14th, 1869.	132	255, 273,	.....	.....	Ratliff.
47	A BILL to legalize the Seminary lands in Jasper county.	133	154, 271, 288,	570	.....	Barnett.
48	A BILL to amend section five of an act to provide for the more uniform mode of doing Township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act; approved February 18th, 1859.	133	383,	.....	.....	Cave.
49	A BILL authorizing the State Board of Education to adopt a uniformity in books to be used in District Schools.	133	154,	.....	.....	Adaire.
50	A BILL to amend an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers herein named, and the form of the ballots, and providing compensation for the services of such officers;" approved March 11, 1867.	133	.....	.....	.....	Mason.
51	A BILL to amend an act incorporating cities and towns.	133	287, 331, 348	679	.....	Underwood.
52	A BILL to amend Section 1 of an act entitled "An act to provide for township elections;" approved June 15, 1852.	133	288, 345	.....	.....	Cunningham.
53	A BILL authorizing the assessment of lands for plank, Macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject;" approved March 11, 1857.	162	313, 319, 368, 492, 673, 724, 729, 723, 824,	.....	.....	Millekan.
54	A BILL regulating the mileage of sheriffs in conveying convicts to the State Prisons, and repealing all laws in conflict therewith."	162	271, 384	.....	677	Fuller.
55	A BILL to amend Section 531 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852.	162	208, 325, 327, 634,	635	.....	Dunn.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved.	By WHOM INTRODUCED.
55	A BILL to amend an act entitled "An act to provide for the opening, vacating, or changing highways;" approved March 9, 1887.....	162	534.....					Ruddle.
56	A BILL authorizing the publication of legal and official advertisements in papers of a foreign language, and prescribing the condition there- for.....	163	342.....					Vater.
57	A BILL to amend Section 445, to revise, simplify and abridge the rules, practices, etc., in civil cases; to abolish forms of action at law; and to provide for the administration of justice in uniform pleadings practices, etc.....	163	282, 331, 353, 701.....					Cotton.
58	A BILL for the government of appraisers of real estate and assessors of personal property.....	163	220, 234, 257, 258, 274, 301, 378.....					Buskirk.
59	A BILL to fix the time of holding the Circuit Courts in the counties of Kosciusko and Noble, of the Fourteenth Judicial Circuit.....	163	283, 331, 338, 520.....	525	659	669, 674.....	677	Higbee.
60	A BILL supplemental to an act entitled "An act supplemental to an act entitled an act for the incorporation of Insurance Companies, de- fining their powers, and prescribing their duties;" approved June 17, 1882; approved December 2, 1882, and providing penalties for the vio- lation of the provisions of this act.".....	164	385, 550, 618.....	792	881	890, 891.....		Breckinridge.
61	A BILL to encourage the republication of Blackford's Reports, and ap- propriating money to pay for the same.....	164	296, 345, 530.....					Osborn.
62	A BILL to provide for teaching the German language in the Common Schools.....	16	414, 416, 437, 455, 456, 483.....	534				Coffroth.
63	A BILL prohibiting the use of spring balances by dealers in articles sold by weight, and prescribing the penalty for its violation.....	16	310, 341, 493, 498.....	786				Vater.
64	A BILL defining what counties shall constitute the Twelfth Common Pleas District, and fixing the time of holding Courts therein.....	16	283, 331, 349, 520.....	525				Ruddle.
65	A BILL amending section 15 of an act entitled "An act for the incorpo- ration of Manufacturing and Mining Companies, and Companies for Mechanical and Building purposes"—approved May 20, 1882—and declaring the meaning of the word "annually," as used in the 13th section of said act.....	16	207, 208, 303, 633.....	634				Osborn.
66	A BILL defining a certain felony and misdemeanor, prescribing pun- ishment therefor, and declaring an emergency.....	168	207, 328, 344.....	638				Field of Lake.
67	A BILL regulating certain fees of, and allowances to, Sheriffs and Clerks of the Circuit Courts designated therein.....	169	480.....					Kereheval.
68	A BILL to amend sections 63 and 69 of Chapter 12 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise							

69	the same, and to regulate such other matters as properly pertain thereto; approved March 14, 1867.	169	312, 345, 396	704	Breckinridge.
70	A BILL to provide for the election of County Surveyors, prescribing their duties, together with all other county officers named therein, fixing certain of their fees, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency.	170	210, 276, 298		Mason.
71	A BILL to amend sections 8 and 11 of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors; approved March 5, 1869.	170	312, 748		Stewart of Ohio.
72	A BILL to amend section 13 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties; approved June 11, 1852, and repealing all laws in conflict herewith, and declaring an emergency.	170	368, 369, 705		Odell.
73	A BILL defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein.	170	284, 330, 367, 696	697	Ruddle.
74	A BILL to amend section 15 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto approved _____.	171	339, 493, 498	781	Neff.
75	A BILL to declare what counties constitute the First Judicial Circuit, creating the Twenty-second and Twenty-third Circuits; to fix the time of holding Courts therein; providing for the return of process, &c., therein, and for the appointment and election of Judges and Prosecuting Attorneys thereof, and to repeal conflicting laws.	171	284, 323		Overmyer.
76	A BILL to amend an act entitled "An act fixing the time of holding the Circuit Courts in the First Judicial Circuit.	171	207, 241, 588		Barritt.
77	A BILL to regulate the tenure of certain Township Officers, and repealing all acts or parts of acts in conflict therewith, and declaring an emergency.	171	288, 345, 703		Cunningham.
78	A BILL to repeal an act entitled "An act in relation to the change of public highways," approved March 11, 1857.	171	747		Wile.
79	A BILL in relation to the salaries of county officers and providing the manner of paying the same, and regulating the allowances to be made by County Boards and Circuit and Common Pleas Courts, and repealing all laws inconsistent with this act.	172	716, 738, 830] [551, 634, 658, 659, 707, 367, 379, 432, 518, 549,		Stephenson.
80	A BILL to provide for the erection and repair of bridges, and to repeal all laws inconsistent therewith.	172	282, 310, 587		Wildman.
81	A BILL declaring what evidence shall be sufficient, <i>prima facie</i> , to establish title to real estate under a sheriff's sale on execution, and providing that such sales be not adjudged void or set aside on account of the failure of the sheriff to sell in parcels.	172	531		Wilson.
82	A BILL creating a lien on property for labor performed thereon, and material furnished thereof, regulating the conditions thereof, and repealing all laws inconsistent therewith.	172	647		Vater.
	A BILL to amend section two, of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 1st, 1867.	173	382, 647, 589, 818,		Fuller.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	Proce- dings Thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved	By Whom Introduced.
83	A BILL to amend sections sixteen, seventeen and eighteen of an act entitled "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855, and declaring an emergency.....	173	256, 329, 345, 635,.....	636				McDonald.
84	A BILL regulating the fees of Members of the State Board of Education.....	173	186, 276, 290,.....	568				Ratliff.
85	A BILL to amend the three hundred and fifteenth section of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.....	173	208, 324, 325,.....					Coffroth.
86	A BILL to amend section one of "An act to provide for the registry of voters, and declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of ballot, and providing compensation for the services of such officers;" approved March 11, 1867.....	174						Baker.
87	A BILL to amend the first section of an act authorizing the assessment of all the lands within one and a half miles on either side, or within one and a half miles of the terminus of any plank, macadamized or gravel road organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled an act authorizing the construction of plank, macadamized and gravel roads; approved May 12th, 1852.....	174						Stewart of Rush.
88	A BILL providing for an act supplemental to an act providing for constructing gravel roads; approved March 7th, 1867.....	174						Jump.
89	A BILL to provide for change of venue in civil and criminal cases, and providing against delays and failures of Justices of the Peace resulting from such changes.....	193						Pierce of Porter.
90	A BILL creating the Judicial Circuit, providing for the election of judges and prosecuting attorneys therefor, providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of actions thereto.....	193	578, 732, 754,.....	733				Welborn.
91	A BILL to authorize Boards of County Commissioners to make allowance to judges in certain cases.....	194	339.....					Ruddell.
92	A BILL to amend section one of an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders;" approved March 8, 1867.....	194	321, 346, 351, 659.....	700				Furnas.
93	A BILL to amend section fifteenth of an act entitled "An act to create							

94	a State Normal School, and declaring an emergency;" approved December 20, 1865.	195	381, 546, 580, 827	.....	.....	.....	Miles.
95	A BILL to amend section thirty-ninth of an act entitled "An act defining felonies, and prescribing punishment therefor;" approved January 10, 1852.	195	282, 332, 318	.....	640	.....	Dunn.
96	A BILL for the relief of John Ingle and John Ingle, Jr.	210	325, 478	.....	.....	.....	Welborn.
97	A BILL authorizing married women to effect insurance upon the lives of their husbands; exempting the proceeds of the same from the claims of the representatives and creditors of the husband, where the annual premium does not exceed three hundred dollars; providing for the payment of such insurance to the children of such husband and wife, or the children of either, in certain contingencies, and declaring an emergency.	240	449, 554, 625	.....	698	.....	Underwood.
98	A BILL authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction relating to the school fund, Common and Congressional, as required by act approved December 21, 1865.	241	306, 346, 351, 700	.....	701	.....	Skidmore.
99	A BILL to provide for the protection of fish.	241	382	.....	.....	.....	Barritt.
100	A BILL for the appointment of official reporters in the Courts of the State.	241	.....	.....	.....	.....	Dunn.
101	A BILL to amend the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties, in civil cases; approved June 9, 1865.	241	311, 347, 555, 578	.....	834	.....	Bowen.
102	A BILL to repeal the License Law, of March 5, 1859.	242	344, 495	.....	.....	.....	Goffroth.
103	A BILL to increase the compensation of jurors.	242	285	.....	.....	.....	Beeler.
104	A BILL declaring certain contracts to pay attorney's fees, void.	242	323, 503, 509, 529, 581, 582, 583	.....	849	.....	Osborn.
105	A BILL to amend section three hundred and ninety-seven of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of actions at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved January 18, 1852.	242	503	.....	.....	.....	Palmer.
106	A BILL to regulate and make uniform the prices charged by Railroad Companies for transporting goods, merchandise and material to and from stations on railroads, in this State.	243	241, 507, 716, 717, 749, 752, 755, 787	.....	756	.....	Stewart of Rush.
107	A BILL to repeal an act entitled, "An act for the repeal of statutes not in conformity with the ruling of the Supreme Court in the case of Langdon against Applegate and others, and limiting actions arising out of the same, or for a violation thereof;" approved March 3, 1867.	241	283	.....	.....	.....	Long.
108	A BILL to amend an act entitled, "An act for the appraisal of real estate, and prescribing the duties of officers in relation thereto;" approved December 21, 1858.	244	446, 816	.....	.....	.....	Vardeman.
109	A BILL fixing the time of holding the general election throughout the State, and repealing all laws inconsistent with its provisions.	244	311	.....	.....	.....	Vater.
110	A BILL to amend the third section of an act for the regulation of weights and measures; approved June 9, 1852.	244	447, 816, 817	.....	.....	.....	Wildman.
	A BILL to amend section forty-seven of an act entitled, "An act to provide for the opening, vacating and changing of highways;" approved June 17, 1852.	245	255, 330, 318	.....	695	.....	Cave.

CALENDAR OF HOUSE BILLS^{AND} AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
111	A BILL to amend section seventy-eight of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the Courts of this State".	245	445, 816, 835, 869	/			Ratliff.
112	A BILL fixing the salary of the Superintendent of Public Instruction, and prescribing the time and manner of its payment.	255					Com. on Education.
113	A BILL to provide for the education of colored children, applying all school laws thereto, and repealing all laws inconsistent therewith.	273	346, 410, 512, 529.	784			Com. on Education.
114	A BILL to amend the fifth section of an act approved March 6, 1865, entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed".	801	379, 546, 581, 836.	837			Kereheval.
115	A BILL regulating Insurance Companies doing business in this State, prescribing the duties of the Auditor of State in relation thereto, and providing penalties for the violation of the provisions of this act.	292	748.				Buskirk.
116	A BILL relative to the salaries of Supreme, Circuit, Criminal Circuit and Common Pleas Judges, and providing the manner of paying the same.	292	338, 350.				Underwood.
117	A BILL to amend section 16 of an act entitled "An act to provide for contesting the election to any State, District, Circuit, County, or Township office"—approved May 4, 1852—to provide relief in cases of contests erroneously commenced, by reason of the misprint of said section 16, and to provide for taking depositions in all contests for circuit and District offices.	292	338, 491, 501				Johnson of Parke.
118	A BILL to provide for the establishment of an Insane Department for the State of Indiana; for the appointment of an Insane Commissioner for said Department, prescribing his powers and duties, and repealing all laws or parts of laws conflicting therewith.	292	533.				Stewart of Ohio.
119	A BILL making an appropriation of four hundred and thirty thousand five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan raid.	293					
120	A BILL to protect and elevate the Medical Profession, to promote the improvement of Medical Science and Practice, and to protect the lives and health of the people of the State of Indiana.	293					Breckinridge.
121	A BILL regulating the fees of Clerks of the Circuit and Common Pleas Courts.	293					Palmer.
122	A BILL requiring the State Printer to fix the price of printing, bind-						

123	ing and material, for the use of the State, on the title page thereof, fixing a penalty and declaring an emergency.....	292	587,				Pierce of Porter.
124	A BILL to amend section three of an act entitled "An act to require surviving partners to file inventories and appraisements in the office of the Court of Common Pleas, and to report the liabilities of the firm," approved March 5th, 1859.....	293	306, 347; 353, 701,	702			Kerecheval.
125	A BILL supplemental to an act to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the committal, approved February 21st, 1855, and to provide for the recovery of moneys expended by one county in the arrest, care, safe-keeping, clothing and treatment of an insane person, whose legal settlement is in another county.....	294	343, 495, 498,	782			Neff.
126	A BILL to amend an act entitled an act to amend the forty-fifth section of an act entitled an act to provide for the opening, vacating and change of highways, approved March 5th, 1867.....	294	651,				Dunn.
127	A BILL authorizing County Commissioners to furnish to Justices of the Peace certain books and stationery, and prescribing for their dis- position.....	294	383,				Vater.
128	A BILL authorizing County Recorders to demand and receive their fees for recording, at the time deeds, mortgages, and other papers are presented to them for record.....	294	305, 333, 380,	703			McFadden.
129	A BILL to amend section thirty-three of an act authorizing the con- struction of plank, macadamized and gravel roads, approved May 12, 1852, exempting all persons going to and from Public Worship, and all persons going to and returning from Sunday Schools, from the payment of toll.....	294	481,				Lowen.
130	A BILL providing for the service of process and notice to parties to suits or other proceedings in Courts, by setting up written or printed notices in five public places in the county, and declaring an emergency.....	295	504, 719,				Osborn.
131	A BILL making an appropriation for the completion of the State Nor- mal School Building.....	295	504, 505, 583, 605, 664,				Pierce of Vigo.
132	A BILL in reference to the consolidation of railroads in this State, pre- scribing the manner of such consolidation, fixing the rates of tariff for freight and passenger travel, and providing for fencing railroads.....	295					Stewart of Rush.
133	A BILL to enable citizens to aid in the construction of Railroads and Water Powers.....	346	405, 512,	702			
134	A BILL for the relief of Thomas Hays, refunding purchase money and interest thereon, paid for real estate sold as Swamp Land by the State of Indiana, the title to which was in William Robertson.....	352	479,				Long.
135	A BILL to amend an act entitled "An act to amend section number seventy-six of an act entitled an act defuncting misdemeanors, and pre- scribing punishment therefor," approved February 14, 1855, and to enforce the same.....	351	497, 512,	785			
136	A BILL to provide for the disposition of moneys in the State Treasury to the credit of estates without heirs, and declaring them escheated to the State in twenty years.....	354	497, 512,	782			Vater.
	A BILL creating a lien on real estate sold for taxes by County Treas- urers, and for all subsequent taxes paid.....	354	415,				Shoenaker.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	By Whom INTRODUCED.
137	A BILL to amend the third section of an act entitled "An act to incorporate the Terre Haute and Richmond (now the Terre Haute and Indianapolis) Railroad Company," approved January 26, 1847, so as to require annual reports and exhibits from the officers of said corporation, declaring the object of the act, and an emergency for its immediate taking effect."	354	493, 780.....					Osborn.
138	A BILL amending section twenty-second of an act entitled "An act to incorporate the Terre Haute and Richmond (now Terre Haute and Indianapolis) Railroad Company; and declaring the intention of the act, and an emergency for its immediate enforcement"	354	496, 580, 626, 700.	761				Osborn.
139	A BILL for the relief of Nicholas Morback, Joseph E. Lange and Francis Joseph Wetzler.....	355	497, 502, 512, 618.....	619				Wilson.
140	A BILL repealing sections second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first and twenty-second of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the service of such officers, approved March 11, 1867, and prescribing further duties of the officers of elections."	357	415, 510, 515, 609, 617, 852 620, 850	852				Wildman.
141	A BILL to fix the mode of assessing the amount of property upon which taxes shall be assessed.....	355	382, 547, 643.....					Miles.
142	A BILL to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.....	358	645.....					Kereval.
143	A BILL supplemental to an act entitled "An act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties in the State, and to provide for the taking up, impounding and selling such animals as shall not be allowed by law to run at large," approved May 31, 1892, and declaring an emergency."	358	382, 547, 555.....	793				Johnson, of Marshall.
144	A BILL to amend section 61 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same; and to regulate such other matters as properly belong thereto....."	358						Admiral.
145	A BILL to amend sections 1, 6 and 9 of an act entitled "An act to in-	358						

146	corporate the Lafayette Insurance Company;" approved February 8, 1836.....	359	653.....				Breckinridge.
147	A BILL requiring Township Trustees to examine the dockets of Justices of the Peace as to their delinquency in paying over fines to the proper officers.....	359	553, 578.....	847			Cox.
148	A BILL to provide for the care of certain idiots.....	359	381, 547, 847.....	818			Palmer.
149	A BILL in relation to the payment of costs in certain appeal cases under the act in relation to public and private highways.....	35	444, 482, 505, 692.....				Greene.
150	A BILL to prevent the bringing into or keeping within the State of any cattle or other stock affected with any contagious disease, and to provide for the collection of damages from any person or persons, corporations or companies offending against the provisions of this bill.....	360	581.....				Beeler.
151	A BILL appropriating twelve thousand dollars for furnishing wards and subsisting patients in the north wing of the Indiana Hospital for the Insane until the 31st of March, 1869, and declaring an emergency.....	360	368, 414, 528.....				Vater.
152	A BILL to prevent the introduction and spread of cattle disease, commonly known as Texas or Spanish fever, by the importation and introduction of cattle into the State of Indiana infected with, or liable to impart to other cattle said disease, and providing for the recovery of damages caused by the introduction of such diseased cattle from the owners of such cattle.....	361	450.....	791			Lamborn.
153	A BILL to limit the time for commencing actions for the recovery of lands sold for taxes.....	361	444.....				Shoemaker.
154	A BILL to repeal all laws providing not more than five acres shall be subject to taxation within a city, and to make all property subject to State and county taxation within a city subject to taxation for city purposes.....	361	536.....				Wiles.
155	A BILL to authorize Boards of Commissioners of the several counties in this State to levy taxes, for the purpose of making subscription to the capital stock of any railroad company, and providing for the collection of such taxes and the subscription of such stock.....	363	479.....				Higbee.
156	A BILL to amend an act entitled, "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties therefor," approved March 2, 1865.....	363	381.....				Maso.
157	A BILL to prevent the introduction and spread, in this State, of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor.....	363	587.....				Neff.
158	A BILL to regulate the publication of legal advertisements.....	363	587.....				Ruddell.
159	A BILL to amend section twenty-three of an act entitled, "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State;" approved June 21, 1852.....	364	563.....				Gilham.
	A BILL to amend section ten of an act to authorize and limit allowances by Courts and Boards, and drafts upon County Treasurers, and declaring an emergency.....	364	445, 509, 592.....				Mitchell.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	By Whom INTRODUCED.
160	A BILL to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all the officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties: approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.....	364	510, 580	788	890 .....	.....	.....	Stephenson.
161	A BILL to amend an act exempting certain property from sale on execution, lien, &c.; approved February 17, 1852, by adding an additional section thereto.....	364	381, 511, 515 .....	.....	.....	.....	.....	Stewart of Rush.
162	A BILL authorizing Township Trustees to hold their office for the term of three years.....	365	.....	.....	.....	.....	.....	McFadin.
163	A BILL to prevent the erection or maintaining of a nuisance on or adjoining the lands belonging to the State of Indiana.....	365	.....	.....	.....	.....	.....	Jump.
164	A BILL to amend section 2, of an act entitled "An act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'An act authorizing the construction of plank, macadamized, and gravel roads,' approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessments; <i>Provided</i> , The lands are situated within the county in which such road is located;" approved March 11, 1857.....	365	.....	.....	.....	.....	.....	Yardeman.
165	A BILL to provide for a Geological Board and Survey in connection with the Indiana State Board of Agriculture of Indiana.....	365	448, 555, 578.....	833	881	891	894	Beeler.
166	A BILL requiring the publication of legal advertisements and notices to be made in German newspapers, in certain cases.....	366	655.....	.....	.....	.....	.....	Hamilton.
167	A BILL defining certain misdemeanors, and prescribing punishment therefor, and fixing fees of certain officers in prosecutions under this act, and preventing minors from playing at billiards at public billiard saloons.....	366	405, 498.....	706 .....	.....	.....	.....	O-born.
168	A BILL to encourage the destruction of foxes and wildcats.....	366	383, 588.....	.....	.....	.....	.....	Logan.
169	A BILL to amend sections two and twenty-two of "An act concerning inclosures, trespassing animals and partition fences;" approved June 4, 1852, and to repeal sections fourteen and twenty-three of said act, and declaring an emergency.....	366	479, 694.....	.....	.....	.....	.....	Odell.
170	A BILL to provide for the assessment and collection of taxes for munici-							

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	By WHOM INTRODUCED.
185	ent therewith, and providing penalties therein prescribed; approved March 6, 1855.....	453						Cave.
186	A BILL to provide for the publication of all legal notices, now or hereafter authorized by law, including the delinquent tax list, in two papers of each county in which the same are now required by law to be published, the papers to be selected representing two political parties, defining fees for publication, and declaring an emergency.....	454	693.					Chittenden.
187	A BILL providing for proceedings supplementary to execution in courts of Justices of the Peace, being supplemental to "An act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852... A BILL to repeal an act entitled "An act authorizing the assessment of all lands within one and a half miles on either side, or within one and a half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'An act authorizing the construction of plank, macadamized or gravel roads,' approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessments; provided, the lands are situated within the county in which said road is located,".....	454	501.					Cedroville.
188	A BILL prescribing who shall be competent witnesses in the several courts of this State.....	455	651.					Cory.
189	A BILL to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads;" approved May 12, 1852, and the acts passed amendatory thereto.....	456	501.					Cox.
190	A BILL to amend the first section of an act entitled "An act requiring Records to certify to the record of deeds, mortgages, and other instruments admissible to record;" approved March 7, 1853.....	456	746					Bobo.
191	A BILL to amend an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855.....	457	502.					Davis.
192	A BILL to amend section 4 of an act appointing Commissioners to sell certain real estate therein named, and out of the proceeds thereof to erect a suitable residence for the Governor of the State, and providing for the payment of a certain sum to said Governor, until a residence is provided.....	457	651.					Dana.
193	A BILL concerning interest on money, and repealing all laws inconsistent therewith.....	457	520.					Fairchild, Fuller.

194	A BILL to provide for the publication and distribution of the Annual Reports of the State Board of Agriculture and of the State Horticultural Society.....	457	481.....				Furnas.
195	A BILL, making it a penal offense to cut, bore, fell, or destroy timber, on the land of any person or corporation, without the consent of the owner.....	458	.....				Gordon.
196	A BILL to amend section four of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all laws contrary to the provisions of this act, and prescribing penalties for violation thereof; approved March 5, 1859.....	458	.....				Greene.
197	A BILL to legalize the proceedings of the Boards of Trustees of towns in certain cases.....	458	.....				Hall.
198	A BILL to amend the 19th section of an act approved January 10, 1852, entitled "An act defining felonies, and prescribing penalties therefor,".....	458	502.....				Hutton.
199	A BILL to prevent the spread of distemper among horses, and providing penalties therefor.....	458	652.....				Johnson of Montgome- ry.
200	A BILL defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding Courts therein.....	458	504, 731, 777.....				Johnson of Parke.
201	A BILL to provide for the inspection of illuminating oils, and repealing all laws in conflict with the provisions of this bill.....	459	652.....				Jump.
202	A BILL to make certain specific appropriations therein designated.....	459	501, 520, 522.....	522	719	721, 725.....	Kercheval.
203	A BILL fixing the time of holding Circuit Courts in the several counties composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all processes returnable to the time fixed by this act, and regulating the transactions of business therein.....	461	.....	602	.....		Dittmore.
204	A BILL to amend an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incidental thereto;" approved May 13, 1852.....	461	480.....				Mason.
205	A BILL to fix the time and length of term of holding the Circuit Court in the county of Marshall, and repealing all laws contravening the provisions of this act.....	461	498, 537, 734, 739.....				McDonald.
206	A BILL to repeal an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers; approved March 11, 1857.....	461	.....				McFadin.
207	A BILL defining some of the duties of County Commissioners, and providing for the safety of funds belonging to the County.....	462	645.....				Miles.
208	A BILL to legalize conveyances of real estate made by married women under the age of twenty-one years, where they have joined with their husbands in deed, conveying his land where such husband is now living, and declaring an emergency.....	462	532.....				Odell.
209	A BILL to define certain offences therein mentioned, to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offenders.....	462	543, 544.....				Oshorn.
210	A BILL to compel witnesses in civil actions, to testify to all matters pertinent to the issues, and to require parties to all civil actions to answer all interrogatories filed with the pleadings.....	462	693.....				Overmyer.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
211	A BILL to prevent dogs from running at large in the night time, and other matters properly connected therewith, and declaring an emergency.....							
212	A BILL to amend section one of an act fixing the pay of Members of the General Assembly; approved March 4th, 1855.....	463	508.....					Pierce of Vigo.
213	A BILL prescribing the duties of County Auditors in relation to cancelled county orders and statements of property, listed by appraisers and assessors.....	463						Ratliff.
214	A BILL supplemental to an act entitled an act supplemental to an act approved March 5th, 1859, entitled an act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgage sales, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and pre-cribing their powers and extending the time provided in said act for the organization of such distinct corporation, by such purchasers; approved February 1st, 1857.....	463	507.....					Shoemaker.
215	A BILL authorizing the assessment of all lands within one and one half miles on either side, or within one and one half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "An act authorizing the construction of plank, macadamized and gravel roads, approved May 12th, 1832, when the subscription to such road amounts to at least \$800 per mile and it is not sufficient for the completion of the same, and the collection of such assessments, and repealing an act on the same subject, approved March 11th, 1847.....	464	877.....					Sleeth.
216	A BILL to amend an act to enable owners of wet lands to drain and re-drain them wherever the same can be done without affecting the lands of others prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith; approved March 11th, 1847.....	464	748.....					Stephenson.
217	A BILL to provide for the government and discipline of the State Prisons, and for the oversight of County Jails, and to repeal all other laws, or parts of laws inconsistent therewith, and declaring an emergency.....	464	652.....					Stewart of Rush.
218	A BILL providing for the education, in the Common Schools of our State, of disabled soldiers, of twenty-one years of age and over, and repealing all laws in conflict therewith, and declaring an emergency.....	465	740.....					Underwood.
219	A BILL to amend Section 9 of an act to provide for the assessment and collection of taxes on the shares of stocks owned in banks and banking associations doing business in this State.....	465	619.....					Vardeman.
		465	535.....					Vater.

220	A BILL to authorize the amendment of bills of exceptions in certain cases therein mentioned.....	465	Welborn.
221	A BILL to provide for a uniform system of book-keeping in the offices of County Treasurers and County Auditors.....	467	Wildman.
222	A BILL to entitle persons accused of crime and misdemeanors, to give their own evidence in self-defense before the courts.....	469	Williams of Hamilton.
223	A BILL to amend Sections 445, 446, 447, 448, 449, 450, 451, 452 and 456, and to amend Section 453 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,".....	468	Wilson.
224	A BILL to amend Section 2 of an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; approved March 2, 1855.....	468	Zenor.
225	A BILL to provide for the holding the Court of Common Pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.....	468	McDonald.
226	A BILL to prohibit the Clerk of Circuit and other Courts from taking and certifying the declaration of any intention of any alien to become a citizen of the United States, except as therein prescribed.....	469	Beeler.
227	A BILL to amend Section 9 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and that of county and township officers in relation thereto; approved March 3, 1859.....	469	Davis.
228	A BILL to amend Section 3 of an amendatory act for the regulation of weights and measures; approved June 9, 1852, and declaring an emergency.....	469	Baker.
229	A BILL to prevent the destruction of wild, harmless birds, etc., in this State, and fixing the penalty for the same.....	469	Breckinridge.
230	A BILL to abolish the office of Prosecuting Attorney, and transferring all criminal business to the Circuit Courts, with certain exceptions, and repealing all laws and parts of laws coming in conflict herewith.....	470	Cave.
231	A BILL defining certain felony and misdemeanor, and prescribing penalties therefor.....	470	Coffroth.
232	A BILL allowing increased rate of toll on turnpike, plank and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency.....	470	Dittenmore.
233	A BILL amending section 9 of an act regulating the fees of officers, and repealing former acts in relation thereto.....	470	Dunn.
234	A BILL declaring the meaning of sections 14 and 15 of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and lessees;" approved March 20, 1852, and to authorize and give a right of action by one joint tenant, tenant in common, or tenant in coparcenary, against other joint tenants, tenant in common, and tenants in coparcenary, and to recover rents for use and occupation of land from such tenant in possession, and declaring an emergency.....	471	Joluson.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	By Whom INTRODUCED.
235	A BILL to change the practice in criminal actions respecting the ar- rignment of causes on trial.....	472	532.....					Kercheval.
236	A BILL to repeal all laws and parts of laws in relation to the shooting or trapping of prairie hens or chickens.....	472	506.....					Lamborn.
237	A BILL in relation to practice in certain cases, and providing for entry of judgments in vacation in certain cases, and providing for appeals from such judgments, and for interest thereon in certain cases, modifying all laws contravening the provisions of this act, and declaring an emergency.....	472	531.....					McDonald.
238	A BILL authorizing the County Commissioners to make appropriations and issue bonds in certain cases.....	473	533.....					Cory.
239	A BILL defining who shall elect Supervisors of Roads and Highways, and repealing all laws inconsistent therewith.....	473	.....					Mock.
240	A BILL to amend the 3d section of "An act providing for the redemp- tion of real property, or any interest therein sold on execution, or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith;" approved June 4, 1861, and declaring an emergency.....	473	.....					Osborn.
241	A BILL describing certain misdemeanors, and prescribing punishment therefor.....	473	653.....					Palmer.
242	A BILL to repeal section 18 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, etc., so as to release the estates of infants and decedents from useless adver- tising, etc.".....	473	.....					Pierce of Vigo.
243	A BILL fixing the time when personal estates shall be listed, and de- fining the duties of Assessors, Boards of County Commissioners, and Boards of Equalization, in relation thereto.....	474	507.....					Shoemaker.
244	A BILL to amend the sixth section of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws incon- sistent therewith;" approved March 5, 1859.....	475	565, 583.....	603 659	663, 674	677		Underwood.
245	A BILL amending section three of an act authorizing the construc- tion of plank, macadamized and gravel roads, and empowering the same to make sale of a portion of their roads; approved February 28, 1855, and repealing all laws inconsistent therewith.....	475	.....					Vater.

246	A BILL to enable railroad companies to issue bonds, to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds.....	475	586	.....	.....	.....	Welborn.
247	A BILL to amend sections one, and one hundred and twenty-two of an act approved March 14, 1861, and to define who are liable to pay poll tax, and to repeal all laws inconsistent therewith.....	475	619	.....	.....	.....	Williams of Hamilton.
248	A BILL fixing the time of holding Circuit Courts in the several counties composing the Fourth Judicial Circuit of the State, and declaring an emergency.....	518	.....	520	719	763, 753, 754	Cory.
249	A BILL to amend an act entitled "An act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;" approved December 26, 1865.....	519	747	.....	.....	.....	Baker.
250	A BILL to allow a homestead of one thousand dollars to each householder who is the head of a family, and exempting the same from levy and forced sale, and making provisions for the proper execution thereof.....	541	693	.....	.....	.....	Beeler.
251	A BILL to legalize the assessment of taxes for State Debt Sinking Fund purposes for the years 1867 and 1868, and declaring what amount shall be assessed for the same purposes for the years 1869 and 1870.....	545	817	820	871	880	Chittenden.
252	A BILL to appoint Trustees for, and incorporate and locate the Indiana Agricultural College, provide for its endowment, and defining its powers and duties, and declaring an emergency.....	545	.....	.....	.....	.....	Stewart of Rush.
253	A BILL to amend sections first and fourth of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights;".....	552	.....	.....	.....	.....	Cunningham.
254	A BILL to establish the Twenty-sixth Common Pleas District, composed of the counties of Elkhart, Kosciusko and Whitley; to provide for the election of a Judge, and fixing the time of holding the courts in said counties, and other matters therewith connected.....	594	646	.....	.....	.....	Davis.
255	A BILL to save pending suits affected by the passage of an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof, approved May 31, 1852, approved December 21, 1865.....	594	.....	.....	.....	.....	Dittmore.
256	A BILL to district the State for the purpose of electing five Judges of the Supreme Court at and after the general elections for the year 1870.....	594	.....	.....	.....	.....	Dunn.
257	A BILL to amend section one of an act entitled, "An act providing for the election or appointment of Supervisors of Highways, and prescribing the time of electing the same, and declaring an emergency;".....	594	.....	.....	.....	.....	Pierce, of Vigo.
258	A BILL to amend section twenty of an act entitled, "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;" approved March 5, 1859.....	594	.....	.....	.....	.....	Palmer.
259	A BILL to amend an act entitled, an act to provide for the protection of fish, defining the time in which the same may be netted, trapped and seized, adding the penalty for the violation of this act, and declaring an emergency.....	595	.....	.....	.....	.....	Fairechild.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By Whom Introduced.
260	A BILL to provide for the publication of the proceedings of County Commissioners, including the reports of Township Trustees, the reports of Grand Jurors, the official vote of all elections in such county, in at least two newspapers of each county in which such business shall occur, and in which such vote shall be made, repealing all laws in conflict herewith, and declaring an emergency.....	555	749, 767.....					
261	A BILL to make specific appropriation to the House of Refuge.....	555						Field, of Lake.
262	A BILL to amend sections three and eight of an act approved March 9, 1863, to provide for the inspection of petroleum oil for illuminating purposes, marking and branding the same, prescribing the penalty for selling without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act, for the appointment of inspectors and deputies, and terms of office, and imposing penalties for inspectors and deputies trading in any article they are appointed to inspect.....	555	631.....					Green.
263	A BILL to repeal an act approved March 11, 1867, entitled an act to revise and amend the sixth section of an act entitled, "An act to grant to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 29, 1845.....	556	733, 808.....					Kerebeval.
264	A BILL for the repeal of the death penalty, and to promote the cause of humanity and justice in the State.....	556	605.....					Lamborn.
265	A BILL repealing an act entitled an act to provide for the protection of fish, defining the time in which they may be trapped, netted or shot, affixing the penalty for the violation of this act, and declaring an emergency.....	556	652.....					Mason.
266	A BILL creating a Board of Immigration, defining their duties and powers, and declaring when it shall take effect.....	557	655.....					McDonald.
267	A BILL authorizing the Auditor of State to adopt a uniform system of book-keeping for the use of Township Trustees, and providing for the payment of the same.....	558						Mitchell.
268	A BILL for the preservation of Indiana battle flags, military trophies and relics.....	558						Neff.
269	A BILL declaratory of the common law, as to the duty of railroad companies and other common carriers, in the transportation of freight, and to prevent exorbitant charges for such transportation, and providing a remedy.....	558						Osborn.
270	A BILL to provide for the erection of an Executive Mansion, making an appropriation, and declaring an emergency.....	632						Walborn.
271	A BILL to provide for holding Courts in the county of Brown, in case of conflict with the Circuit Court of that county, and to repeal laws							

272	in conflict with this act and declaring an emergency..... A BILL authorizing the Governor to institute suits against Railroad Companies which have not paid the taxes due, and making an appropriation therefor, and declaring an emergency.....	736	749	731	Long.
273	A BILL to raise revenue for State purposes for the years 1859 and 1870 and for subsequent years.....	797			Osborn.
274	A BILL to authorize the issuing of arms and equipments to regularly incorporated military companies, and declaring an emergency.....	776	777, 817	820	889
275	A BILL to amend an act touching vacancies in office, and filling the same by appointment; approved May 13th, 1852.....	796			Kuddell.
276	A BILL to authorize any person or persons owning a mill race or races, to enter upon adjacent lands and take therefrom such earth and gravel as may be necessary to repair such race or races, and paying a fair and reasonable compensation for the same.....	797			Shoemaker.
277	A BILL to allow townships to bring and maintain suits in their adopted names in certain cases.....	798			Sleeth.
278	A BILL to amend the title of an act entitled "An act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain,".....	798	870		Smith.
279	A BILL to amend Sections three and four of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and providing penalties for the violation thereof; approved March 5, 1859.....	798			Underwood.
280	A BILL to authorize incorporated towns to make subscriptions and donations to aid in the construction of plank, macadamized, gravel roads and railroads, running into or through such towns, prescribing the manner in which such subscriptions and donations may be made, and for the enforcement thereof, and to provide for the issuing of bonds by such town to plank, gravel, macadamized and railroad corporations in payment of such subscriptions and donations, and to authorize the levying and collection of a special tax by the corporate authorities of such towns for the redemption of such bonds.....	798			Vardeman.
281	A BILL to apprehend and convict persons accused of crimes and misdemeanors.....	799			Welborn.
282	A BILL to amend the twenty-eighth section of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the drainage and reclaiming thereof in accordance with the condition of said grant.....	799			Williams of Hamilton.
283	A BILL regulating the employment of persons under sixteen years of age in cotton and woolen factories in this State, and providing for the education of such persons.....	799			Williams of Knox.
284	A BILL to legalize the proceedings of the Common Councils of cities in opening streets and alleys.....	799			Williams of Union.
285	A BILL regulating the fees of County Clerks in relation to estates and guardianships, repealing former acts in relation thereto, and declaring an emergency.....	799			Zollars.
286	A BILL to repeal an act entitled "An act to amend an act entitled 'an act to authorize the removal of convicts from the Southern State Prison, and providing for the employment of convicts in each of said	799			Baker.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
287	Prisons, directing what counties shall send their convicts to the North- ern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the sup- port of said Prison;" approved June 1, 1861; approved March 11, 1867.....	800						Beeler.
288	A BILL to amend Section four and eight of an act to regulate and li- cense the sale of spirituous, vinous, malt, and other intoxicating li- quors, to prohibit the adulteration of liquors, to repeal former laws contrary to the provisions of this act, and prescribing penalties for a violation thereof; approved March 3, 1859.....	800						Calvert.
289	A BILL to regulate the election of certain township officers, providing that no elector shall vote only for supervisors of roads in their respec- tive road districts, declaring a violation of this law a misdemeanor, and fixing a penalty.....	806						Chapman.
290	A BILL to amend Sections one, twenty-five and thirty-three, of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connec- ted therewith, and prescribing the fees of certain officers therein named, etc.....	800						Cory.
291	A BILL defining who shall be eligible to vote at any general, county, township or municipal election.....	801						Cunningham.
292	A BILL to amend Section one of an act entitled "An act providing for the election of county sheriffs, and prescribing some of their duties,"	801						Davidson.
293	A BILL to amend Section sixteen of an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto; approved March 5, 1859.....	801						Dunn.
294	A BILL for the relief of the heirs of Patrick Donovan, deceased.....	801						Fairchild.
295	A BILL to authorize gravel road companies organized under an act ap- proved by the General Assembly of the State of Indiana, May 12, 1852, authorizing the construction of plank, macadamized or gravel roads, to assess the lands within one and one-half miles on either side there- of, when eight hundred dollars to the mile has been subscribed.....	801						Field of Lake.
296	A BILL to amend the eleventh section of an act entitled "An act to es- tablish a House of Refuge for the correction and reformation of juve- nile offenders, approved March 8, 1867, and to make other provisions in relation to said institution,".....	801						Field of Lagrange.
297	A BILL for the relief of George Arnold.....	802						Furnas.
		802						Higbee.

298	A BILL enabling Swamp Land Commissioners and Engineers to select swamp lands and receive the same in payment for service heretofore rendered as such commissioner or engineer, and prescribing the manner in which such selections and entries shall be made.....	802	Hutton.
299	A BILL to amend section seventeen of an act entitled "An act to amend sections first, seventh and twelfth, of an act entitled 'An act to authorize the construction of laws and diaries, approved June 12, 1852, and supplemental thereto.'"	802	Hyatt.
300	A BILL to provide for the publication of the proceedings of County Commissioners in at least two newspapers of the county, and declaring an emergency.....	803	Johnson of Marshall.
301	A BILL to reform our jail system.....	803	Lamborn.
302	A BILL to provide for the draining of swamp lands in the State of Indiana.....	804	McDonald.
303	A BILL, repealing section twenty-four of an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852.....	804	McGregor.
304	A BILL declaring that all section lines be opened as public highways.....	804	Miller.
305	A BILL to amend clause forty-three of section fifty-three of an act entitled, an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto; approved March 14, 1867.....	804	Minor.
306	A BILL, fixing the <i>per diem</i> and mileage of members of the General Assembly, the pay of the Secretary of the Senate, the Clerk of the House of Representatives, the Door-keepers of the Senate and House, the Clerks to the Committees of the two Houses, declaring who shall preside in opening the Senate, in the absence of the Lieutenant-Governor, who shall preside in the organization of the House of Representatives, defining certain duties of the State Librarian in connection with said organization, etc., etc.....	804	Monroe.
307	A BILL authorizing plank, macadamized and gravel road companies to enter upon the lands adjacent thereto, make ditches and drains, and to take therefrom materials; also to keep such roads in repair, and to enter upon any lands and take <i>materials</i> therefrom to construct any such roads, providing the mode of assessment of damages therefor, adopting uniform rates of tolls thereon, and declaring an emergency.....	805	Odell.
308	A BILL to amend sections four, thirteen and fifteen of an act entitled, an act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows, approved March 11, 1867, and supplemental thereto.....	805	Pierce of Porter.
309	A BILL making general appropriations for the years 1870 and 1870.....	821 825, 853, 858,	Baskirk.
310	A BILL touching vacancies in county and township offices and filling the same by appointment, repealing all laws in conflict with the provisions of this act, and declaring an emergency.....	881	Zollars.
311	A BILL making specific appropriations for the year 1869.....	883	Baskirk.

JOINT RESOLUTIONS OF THE HOUSE.

No.	TITLE.	Intro- duced	Proceedings Thereon.	Passed House	Passed Senate	Other Proceedings.	Approved	By Whom Introduced.
1	A JOINT RESOLUTION for the relief of Amos Christman Heller, re- funding to her purchase money and interest thereon, paid for certain real estate sold as swamp land by the State of Indiana, when the title was in Thomas L. Ewing.....	119						Long.
2	A JOINT RESOLUTION in reference to lands granted the State by Congress for Agricultural College purposes.....	119						Miles.
3	A JOINT RESOLUTION that our Senators and Representatives be re- quested to use their influence in reference to securing the passage of a law taxing all bonds of the United States or other property.....	161	509					McGregor.
4	A JOINT RESOLUTION requesting our Representatives and instruct- ing our Senators in Congress to use their influence in procuring the passage of such laws as will provide for the purchase of all the tele- graph lines now in use, &c.....	211	292					Boeler.
5	A JOINT RESOLUTION in relation to the finances of the country.....	242	418					Barritt.
6	A JOINT RESOLUTION in regard to the standing armies in the Southern States, and asking that our Senators and Representatives in Congress use every honorable method in having the same disbanded.....	362						Admir.
7	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to secure the passage of a law grant- ing to soldiers of the Federal Army, in the late rebellion, land war- rants.....	363	553, 579, 831	832				Gordon.
8	A JOINT RESOLUTION asking the passage of a law by Congress re- moving all disabilities under existing laws from certain volunteers serving in the army for the suppression of the late rebellion, &c.....		508, 879	880				Admir.
9	A JOINT RESOLUTION.....	486	Rejected					Bobo.
10	A JOINT RESOLUTION to suspend the operation of Senate bill No. 133.....	780						
11	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to use their efforts to procure a pension for the widow of the late General P. A. Hackleman, dating from the day of his death, October 3, 1862.....	798						Stewart of Rush.

JOINT RESOLUTIONS OF THE SENATE.

No.	TITLE.	Received From Sen- ate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS.
1	A JOINT RESOLUTION directing the Auditor of State to prepare a list of the several officers of this State, who have filed a statement of their fees, perquisites and emoluments in his office, in obedience to the provisions of an act entitled, etc.; approved June 3, 1881, in which the concurrence of the House is requested.....	112	111		
2	A JOINT RESOLUTION directing the Auditor of State to prepare a list of the several officers of this State who have filed a statement of their fees, perquisites and emoluments in his office, in obedience to the provisions of an act entitled, &c.....	125	125, 155, 630		
3	A JOINT RESOLUTION instructing Senators and requesting Representatives in Congress to inquire into losses of men belonging to Battery F, United States Artillery, and take action to repair said losses.....	268	298, 630	631	660
4	A JOINT RESOLUTION in relation to the Harbor at Michigan City.....	269	296	297	
7	A JOINT RESOLUTION requesting our Representatives, and instructing our Senators in Congress to use their influence and votes for the repeal of the Tennessee Office Law.....	558		680	750, 751
10	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to use their influence and vote against any measure to legalize coin contracts until the United States shall redeem its treasury notes in coin.....	560	626	670	725, 732
9	A JOINT RESOLUTION for creating another Judicial District Court of the United States in Southern Indiana.....	560	623, 625, 658, 670		
12	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to secure the passage of an act for the adjustment of claims due Mary Burres, a resident of Martin county, State of Indiana, widow of Charles Burres, deceased, late private Company B, 80th Regiment Indiana Volunteer Infantry.....	562	626	683	750, 751

BILLS OF THE SENATE.

No.	TITLE.	Re-ported from Sen-ate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS.
1	A BILL to fix the time of holding the Courts of Common Pleas in the Fourteenth Judicial District of the State of Indiana, and other mat- ters properly connected therewith.....	113	114, 120, 144, 149.....	150	163, 164.
2	A BILL fixing the time of holding Circuit Courts in the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and declaring an emergency.....	113	115, 127, 167, 270,		
11	A BILL entitled a bill to repeal the seventeenth section of an act en- titled an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency.....	125	125, 140, 156.....	322	327.
13	A BILL appropriating seventy-five thousand dollars to defray the ex- penses of the forty sixth session of the General Assembly.....	125	125, 140,		
32	A BILL to fix the time of holding courts in the Seventeenth Judicial Circuit, repealing all the other laws on the same subject, and declaring when it shall take effect.....	160	161, 235, 279, 289.....	321	326, 227.
58	A BILL to amend section sixteen of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855	272	296, 629,		
141	A BILL to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing Texas or Cherokee cattle into this State, or the purchasing of the same at cer- tain seasons of the year, a misdemeanor, and prescribing the penalty therefor.....	408		410	454, 457.
145	A BILL to prevent the introduction and spread of a cattle disease, com- monly known as "Texas or Spanish fever," by the importation and introduction of cattle into the State of Indiana, infected with, or liable to impart to other cattle said disease, and providing for the re- covery of damages caused by the introduction of such diseased cattle, from the owners of such cattle.....	408	410.....	411	453, 457.
178	A BILL to amend section one of an act fixing the time of holding Cir- cuit Courts in the several counties of this State; approved June 18, 1852.....	412	413.....	413	549, 550, 593.
227	A BILL to fix the times of holding Courts of Common Pleas in the counties of Jennings, Lawrence, Jackson and Bartholomew, repealing all laws inconsistent therewith, and declaring an emergency.....	521		521	685.
17	A BILL to regulate the sale of Patent Rights, and to prevent frauds in connection therewith.....	556	626,		
56	A BILL to amend sections one hundred and thirty-three and one hun- dred and thirty-four of an act providing for the settlement of deced- ents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.....	557	622	672	720, 723

67	A BILL to amend section five of an act entitled "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1857, and declaring an emergency.....	557	622, 672		
128	A BILL to amend the second section of an act entitled "An act to amend the fourteenth and eighteenth sections of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859. Approved May 11, 1867.".....	558	622, 671	675	729, 723
48	A BILL, providing for the protection of the banks of water courses by securing the bushes growing along said banks, from the ravages of stock.....	560	561, 626		
73	A BILL to amend an act entitled "An act to amend section three hundred and fifty-two of an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice, without distinction between law and equity, approved March 9, 1861.".....	560	564, 646		
123	A BILL, to amend the seventeenth section of the act entitled "An act providing for the organization of County Boards, approved June 17, 1852.".....	562	623, 684, 683, 728, 729	868	886
77	A BILL to amend the fifty-third section of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties, passed June 11, 1852.".....	561	777		
94	A BILL touching the consolidation of railroads, and declaring the effect of such consolidations.....	561	562, 586, 620	684	
81	A BILL, to legalize the appraisalment of the real estate of the State of Indiana made in the year 1864, and declaring an emergency.....	562	563, 644, 669		
115	A BILL to amend the forty-ninth section of an act entitled "An act to provide for the opening, vacating, and change of highways;" approved June 17, 1852, as amended by the act approved March 9, 1861.....	563			
113	A BILL to fix the times of holding the Courts of Common Pleas in the various counties composing the Fourth Common Pleas District, providing for the return of process, repealing all acts in conflict with the provisions of this act, and declaring an emergency.....	563	622	671	725, 732
116	A BILL to prohibit any member of the Board of County Commissioners from acting in any other capacity under or by virtue of any appointment from such Board than as one of such Commissioners, and repealing all laws in conflict with this act, and declaring an emergency.....	563			
96	A BILL prohibiting Supreme, Circuit, and Common Pleas Judges, Clerks of the Circuit Courts, Clerks of the Common Pleas Courts, Auditors, Treasurers, Recordors, Sheriffs, and their Deputies, from practicing law in any of the Courts of this State, except as in this act				

BILLS OF THE SENATE—Continued.

No.	TITLE.	Reported from Sen- ate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS.
27	permitted, and prescribing punishment for the violation of this act.... A BILL authorizing the Bristol Hydraulic Company to erect and main- tain a dam across the St. Joseph river, at or near Bristol.....	564	623, 687.....	.....	730, 823
142	A BILL to revise and amend section five of the County Surveyor's act	564	623.....	673	725, 732
222	A BILL to legalize certain defective and irregular tax assessments for the year 1868, in incorporated cities, and declaring an emergency.....	564	623 680.....	.....	.....
231	A BILL to amend section two of an act to provide a State Debt Sink- ing Fund, for the payment of the principal and interest of the five and two and one-half per cent. stocks of the State thereto named; and prescribing the duties of the Auditor, Treasurer and Agent of State in relation thereto; approved December 21, 1865.....	565	668.....	669	721, 723
247	A BILL fixing the times of holding Circuit Courts in the Fifth Judi- cial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict herewith.....	619	620, 671.....	.....	.....
133	A BILL to amend sections one and three of an act entitled "An act to provide for the relocation of county seats, and for the erection of pub- lic buildings in counties in case of such relocation," approved March 2, 1855, and to amend section 1 of an act amendatory of said act, ap- proved December 18, 1865, and to provide for the appointment of Com- missioners	620	.....	.....	.....
256	A BILL to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, repealing all other laws on the same sub- ject, and declaring when this act shall take effect.....	662	.....	663	679, 680, 715
178	A BILL to regulate the terms of the Circuit Courts in the First Judicial District.....	663	664.....	664	721, 723
259	A BILL to authorize the Governor to issue a patent to Samuel Cooper for certain Michigan Road lands in St. Joseph county.....	665	.....	666	725, 732
268	A BILL to amend Section one of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all laws on the same subject, and declaring when this act shall take effect.....	665	666.....	667	721, 723
55	A BILL creating the Twenty-second Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney, and providing com- pensation therefor, declaring the jurisdiction of said Court and pro- viding for the transferring of actions thereto.....	667	.....	668	721, 723
90	A BILL to amend the thirty-fourth subdivision of Section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities,"	737	755.....	730	747, 823
131	A BILL to legalize and declare valid and effectual all the orders, judg- ments, and proceedings made, rendered and had, and held by and be-	874	.....	876	.....

84	for the Court of Common Pleas of White county in this State, beginning and held at the court-house in the town of Monticello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency.....	874
	A BILL to repeal Section thirty-one of an act entitled "An act concerning real property, and the alienation thereof," approved May 6, 1852.....	874
83	A BILL to amend Section two of an act entitled "An act making the register of sales of Michigan Road lands, and certified copies of entries therein, evidence; and declaring the effect thereof, and making the records and patents, and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof;" approved March 9, 1859.....	874
270	A BILL to provide for payment of certain claims for ditching swamp lands out of the general swamp land fund.....	876
279	A BILL to reorganize the Ninth Judicial Circuit, providing for the times of holding Courts therein, repealing all laws in conflict therewith, and declaring an emergency.....	876
5	A BILL to amend the first section of an act to declare abandoned certain unfinished railroads, and to prescribe for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual settlements; approved March 11, 1867, and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled an act to provide for the organization of railroad companies; approved May 4, 1852, shall not invalidate such organization if otherwise in conformity with the same.....	877, 878,
50	A BILL providing for the collection of forfeited recognizances.....	886
234	A BILL to legalize and declare valid the acknowledgements of certain deeds of conveyance and other instruments in writing, which have been recorded in any of the Records' offices of the several counties of this State, and which, by reason of certain informalities in the certificates of the acknowledgement, or authentication thereof, were not entitled to record.....	888
161	A BILL to provide for the organization of Savings Banks, and the safe and proper management of their affairs.....	887
110	A BILL to create the Twenty-fifth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the Courts in said Circuit, and providing for a transfer of actions thereto.....	887
290	A BILL creating the Twenty-sixth Judicial Circuit and fixing the time of holding courts therein, and fixing the time of holding courts in the Fourth Judicial Circuit.....	887
292	A BILL to transfer the county of Brown from the First to the Second Judicial Circuit, to provide for the time of holding Courts therein, and to repeal all laws in conflict with this act, and declaring an emergency.....	887
64	A BILL authorizing voluntary associations formed under an act en-	

BILLS OF THE SENATE—Continued.

No.	TITLE.	Reported from Sen- ate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS.
	titled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto, passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places."				
211	A BILL, defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the Courts therein.....	888			
217	A BILL, regulating the fees of County Officers, and declaring an emergency.....	888			
223	A BILL, appropriating the sum of fifteen thousand dollars for the completion of the building now occupied by the officers of State and the Supreme Court, and belonging to the State, and for paying the sidewalks fronting and around the same.....	888			
238	A BILL, to amend section two hundred of chapter one of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1854, and declaring an emergency....."	888			
259	A BILL, authorizing the classification of the Board of Directors of railroad companies.....	888			
255	A BILL, to save pending suits affected by passage of act of 1863, to repeal sections forty-third and forty-fourth of Will law of 1852.....	888			
286	A BILL, supplementary to an act entitled "An act to incorporate the Franklin Insurance Company, approved February 13, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law,".....	889			
89	A BILL, to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others; prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent herewith, approved March 11, 1857, by amending sections third, fourth, fifth, sixth, ninth and eleventh, and adding section sixteen, to provide for entering satisfaction of liens under said act."	889			





